

1 I believe her when she says that, and it is because
2 there's not an overlap between registered voters and
3 driver's licenses. In fact, that 1.5 million is probably
4 accounted for by the legal permanent residents who are
5 ineligible to vote but nonetheless have photo ID. That's
6 where you get that extra 1.5 million, people who are legal
7 permanent residents of this state who have a photo ID.

8 MR. BERMAN: Legal permanent residents or
9 illegal permanent residents? Because we have 4.5 illegal
10 aliens in Texas and most of them have driver's licenses.

11 MR. ANCHIA: Read my lips. Legal permanent
12 residents of the state are eligible to receive valid
13 driver's licenses, and that's why we have the discrepancy
14 of about 1.5 million between the people who actually have
15 licenses and the people who are registered to vote.

16 The other piece of that is young people who
17 are not registered to vote and also have licenses. That
18 accounts for the discrepancy. I just wanted to discuss
19 that data point with you.

20 MR. BERMAN: If your constituents cannot
21 get an electric bill or a gas bill or any kind of a
22 utility bill to take to the polls, how is it so much
23 easier to get some sort of affirmation that could be
24 either notarized or signed by themselves and used on a
25 typewriter -- how are you going to get this thing to them?

1 MR. ANCHIA: This is how this affects
2 Ms. Mary Jones of my district. I won't use her real name.
3 She is 79 years of age, and she's not covered by the
4 exemption. She lives in the nursing home in the district
5 that I represent. She does not have any electric bill,
6 any water bill, any other sort of bill. She never drove
7 because her husband drove before he passed away. So, she
8 doesn't have a driver's license and she doesn't have a
9 state ID, but she's registered to vote and she's been
10 voting for the last 50 years and she's going to go to the
11 polls under my amendment and she's going to say, "You know
12 what? I am Mary Jones, and I am willing to take the
13 possible prosecution if I am lying and I will, under
14 penalty perjury, affirm that I am Mary Jones because it is
15 that important to me." Those are the people, Mr. Berman,
16 that I don't want to leave out in the cold.

17 MR. BERMAN: She lives in a nursing home.
18 She has nothing in her room as far as her own
19 identification? I bet they have a full record of Mary
20 Jones in the office of the nursing home. They have it on
21 my mother-in-law, and I can get any kind of statement I
22 need from the office of that nursing home.

23 MR. ANCHIA: But she wouldn't be covered by
24 this bill, Mr. Berman. She's not employed by the nursing
25 home. In fact, this bill only says -- a photo ID that a

1 person could get from an employer. She's not an employee
2 either.

3 MR. BERMAN: You just said that Mary Jones
4 is registered to vote and since she's paying something to
5 the nursing home. So, surely they have a record of Mary
6 Jones paying them something.

7 MR. ANCHIA: But it isn't covered by this
8 bill.

9 MR. BERMAN: It's covered by the bill.
10 They can give her a statement and she can mail in a ballot
11 and she can vote by mail-in ballot.

12 MR. ANCHIA: Her sister, Evelyn Jones,
13 lives with her kids and doesn't have anything either
14 because everything is in her kids' name. Those are the
15 people that get left out, Mr. Berman. I don't doubt your
16 sincerity, your position. I really do appreciate it and
17 I've enjoyed serving with you on the committee. I just --
18 I think we just have a sincere difference of opinion, and
19 I don't want to leave people out in the cold. Thank you.

20 MR. PHILLIPS: Mr. Anchia --

21 SPEAKER: Mr. Phillips?

22 MR. PHILLIPS: I would call point of order
23 on the gentleman's time, if that's the case. Otherwise, I
24 would ask a question.

25 MR. ANCHIA: I'd rather you call a point of

1 order on the time.

2 SPEAKER: Does the gentleman yield?

3 MR. PHILLIPS: If the time is given, we
4 need to move on.

5 MR. ANCHIA: Ladies and gentlemen --

6 MR. PHILLIPS: Mr. Anchia, what you're
7 saying is you're saying, okay, you can either do a photo
8 ID, which is what the bill says, or you can sign a
9 statement that you're signing under oath which you don't
10 have to get notarized but under penalty of perjury is what
11 the little jurat will say, correct?

12 MR. ANCHIA: It will be witnessed by the
13 election judge. The election judge is the law at the
14 polling place. So, you would --

15 MR. PHILLIPS: But if someone is --

16 MR. ANCHIA: I'm trying to answer your
17 question.

18 MR. PHILLIPS: If someone is coming with
19 the intention to commit voter fraud and vote for someone
20 else, do you think they are going to have any qualms about
21 signing some statement in front of people saying that they
22 are not that person that they are trying to vote?

23 MR. ANCHIA: That's the beauty of it,
24 Larry. I don't think it happens very often, if ever.

25 MR. PHILLIPS: You had 3 percent coming and

1 voting in other states is what you said. You had a
2 decrease because you had 3 percent of the people voting
3 illegally --

4 MR. ANCHIA: Because people didn't have
5 documents. Right, right.

6 MR. PHILLIPS: -- and knew they were going
7 to get caught.

8 MR. ANCHIA: That's not what I said.

9 MR. PHILLIPS: But you don't know. It
10 could go either way. It could go either way.

11 MR. ANCHIA: That's not what any of the
12 studies suggest, Larry. That's not what any of the
13 studies suggest. I mean, to make that claim is to not
14 have read any of the peer-reviewed studies or any of the
15 scholarship on this issue.

16 MR. ZEDLER: Mr. Speaker?

17 SPEAKER: Representative Zedler raises a
18 point of order. The gentleman's time is expired. The
19 point of order is well-taken and sustained.

20 MR. ANCHIA: Ladies and gentlemen, I ask
21 you that you vote no on the motion to table. This is a
22 sensible response to people who will be disenfranchised by
23 this legislation.

24 SPEAKER: Mr. Anchia sends up an amendment.
25 Ms. Brown moves to table. The question is on the motion

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1 to table. Vote aye or vote no, members. Show Ms. Brown
2 voting aye. Show Mr. Anchia voting no. Show Mister --
3 show Mr. Dean voting no. Have all voted? Being 77 ayes,
4 68 nays, one person not voting, the motion to table
5 prevails.

6 The following amendment. The clerk will
7 read the amendment.

8 CLERK: Amendment by Davis of Dallas.

9 MS. DAVIS: Thank you. Mr. Speaker,
10 members, this amendment just basically tries to protect
11 our students that are registered voters who go to college
12 out of -- who go to school out of state.

13 This basically just says if they provide a
14 student ID as a form of identification from a university
15 that's in the United States so that our students who are
16 going to school out of state are not affected by this
17 amendment adversely. I believe the amendment is
18 acceptable to the author.

19 SPEAKER: Mr. Bohac, for what purpose?

20 MR. BOHAC: Just to clarify the intent,
21 your assumption here is that if they have a college ID
22 from, say, California, they can only come here and vote if
23 they are registered in that particular county?

24 MS. DAVIS: Right, Mr. Bohac. We're not
25 changing the requirements to be a registered voter. The

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1 only thing we're saying is if we're going to use student
2 ID as a form of identification, those students who are
3 registered but may go to school out of the State of Texas
4 but are registered in the state are eligible voters, that
5 that ID would be acceptable. They would be on the books
6 already as a registered voter, but they might not have a
7 Texas student ID. They may have an Arkansas or another
8 state ID from a university outside of the state.

9 MR. BOHAC: Thank you. You have a good
10 amendment.

11 MS. DAVIS: And I believe it's acceptable.

12 SPEAKER: The amendment is acceptable to
13 the author. Are there objections? The chair hears none.
14 The amendment is adopted.

15 The following amendment. The clerk will
16 read the amendment.

17 CLERK: Amendment by Gonzales.

18 SPEAKER: Chair recognizes Ms. Gonzales.

19 MS. GONZALES: Mr. Speaker, members, if
20 this bill is really about voter impersonation and you
21 believe that a photo ID is the best way to avoid that,
22 then you ought to like this amendment.

23 We know that many of the elderly voters,
24 among others, do not have driver's licenses or photo IDs.
25 What this amendment does is it permits -- not orders, but

1 permits -- counties to authorize the county elections
2 administrator or the county clerk to issue a photo ID
3 card. This gives voters a picture ID that then they can
4 present when they go vote, and that's all it does. It's
5 not going to cost the state any money. It's done by the
6 county.

7 MR. ANCHIA: Mr. Speaker?

8 SPEAKER: Mr. Anchia, for what purpose?

9 MR. ANCHIA: Will the gentle lady yield?

10 SPEAKER: Will you yield, Ms. Gonzales?

11 MS. GONZALES: Yes, I do.

12 SPEAKER: The lady yields.

13 MR. ANCHIA: This bill is about local
14 control, isn't it, this amendment?

15 MS. GONZALES: Yes, it is.

16 MR. ANCHIA: Can you explain how it's going
17 to work a little bit for the body?

18 MS. GONZALES: Sure. When a person goes to
19 register to vote and they want to have their photo taken
20 there. It's convenient. The county will be the one to
21 actually order -- I mean, they will vote to allow the
22 county administrator or the county clerk to issue a photo
23 ID. The person can go, register to vote, they can get
24 their photo taken, and they can use that card then as the
25 ID when they go to vote.

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1 MR. ANCHIA: And isn't this more consistent
2 with the Carter Baker Commission's findings? I know
3 Representative Brown is exclusively focusing on one small
4 provision of Carter Baker. Didn't Carter Baker also say
5 that we need to make it as easy as possible for people to
6 get their photo ID, open up multiple locations, do
7 outreach into the community, do motor vehicle -- excuse
8 me -- mobile voter registration, engage in same-day
9 registration? Those are some of the other recommendations
10 that have been completely absent from the debate today by
11 the author? Isn't this more consistent with Carter Baker?

12 MS. GONZALES: It is. As you mentioned
13 earlier this morning, Carter Baker was talking about how
14 they suggested the photo ID when you have a real ID. But
15 this will give people that trust their local
16 administrators, their county administrator, their county
17 clerk -- and they go to the courthouse for something.
18 They may go when they register to vote and have their
19 photo taken and it gives the county the right to do it or
20 not do it as they choose.

21 MR. ANCHIA: And for a county that wishes
22 to increase its turnout and actually promote the
23 franchise, they would be able to participate in this
24 project or not, but they could undertake to do their own
25 photo identification and actually try to get more people

1 to participate; isn't that right?

2 MS. GONZALES: Absolutely. I think what it
3 does is it encourages counties to get people to go out and
4 vote. It's no different than one of the items we put in
5 there is employers being able to issue IDs. Some
6 employers will do it, some employers won't. But the
7 employer that's concerned about making sure its employees
8 will go out and vote will want to do this. The county
9 that wants to assure that it has high voter turnout will
10 want to do this, but it will be left to the control of the
11 county.

12 MR. ANCHIA: And they will pay for it,
13 correct? The individual county who wants to do this will
14 pay for it. So, it's not an unfunded mandate.

15 MS. GONZALES: That's correct.

16 MR. ANCHIA: Okay. Thank you.

17 MR. ESCOBAR: Mr. Speaker?

18 SPEAKER: Mr. Escobar, for what purpose?

19 MR. ESCOBAR: Will the representative yield
20 for a question?

21 SPEAKER: Ms. Gonzales, do you yield?

22 MS. GONZALES: Yes, I will.

23 SPEAKER: The lady yields.

24 MR. ESCOBAR: Thank you, ma'am.

25 Representative Gonzales, I appreciate you giving me the

1 opportunity to say a few words and ask you a question or
2 two. We're already set up in counties where we have the
3 ability to actually issue photos of different kinds, so it
4 would not be a burden on the counties financially to place
5 something like this in the process.

6 MS. GONZALES: I don't believe so, and I
7 don't think if the citizens of the county want it, then
8 the county commissioners aren't going to do it. County
9 commissioners they listen to their voters. They listen to
10 their constituents, and they're going to do this if they
11 want to increase participation.

12 MR. ESCOBAR: Also for the benefit of --
13 especially some of the new members here, this particular
14 amendment went through this bill -- this type of bill last
15 session; is that correct?

16 MS. GONZALES: Yes, sir, it is.

17 MR. ESCOBAR: I think it's really a good
18 amendment because it would help the -- some of the
19 questions that were asked of Representative Brown earlier
20 or some of the comments she made in reference to the types
21 of identification cards that could be used. This would
22 strengthen her bill if she would accept this amendment.

23 MS. GONZALES: If I remember correctly, I
24 believe that this was something that was acceptable to the
25 author last session. Of course, we're here this session.

1 I hope it will be acceptable to the author, as well.

2 MR. ESCOBAR: Thank you.

3 MS. GONZALES: I move for passage of the
4 amendment.

5 SPEAKER: Chair recognizes Ms. Brown in
6 opposition.

7 MS. BROWN: Mr. Speaker, members, this is
8 an interesting idea and something that we might explore in
9 the future, but it is far beyond the scope of the bill to
10 start allowing or even requiring counties to now be the
11 ones who would decide this when they don't have the
12 database to compare and -- compare these names. We need
13 to have this in the hands of DPS for the time being until
14 we have set up a system by which our counties could handle
15 it.

16 So, I don't feel comfortable at all with
17 giving this to our counties to do without those
18 guidelines, without the funding for it. So, I really
19 believe this should be handled by DPS and we should leave
20 it there. They have the facilities to do it. They have
21 the database to handle it, to verify all of these
22 cross-references of people.

23 So, I respectfully move to table the
24 amendment.

25 SPEAKER: Mr. Madden, for what purpose?

1 MR. MADDEN: Will the lady yield?

2 SPEAKER: Ms. Brown, do you yield? The
3 lady yields.

4 MS. BROWN: Be happy to.

5 MR. MADDEN: Thank you. Ms. Brown, my
6 concerns in looking at this amendment -- very strictly
7 administrative also on doing this. This is -- it appears
8 to have at least if no cost to the bill. It's certainly
9 going to have some cost to the county that that would be
10 doing this, isn't it?

11 MS. BROWN: I'm sure it would. It would
12 have to.

13 MR. MADDEN: What kind of verification
14 would there be of the accuracy of the information on this
15 card?

16 MS. BROWN: There's no guidelines for how
17 it should be set up. As I said, the counties would not
18 have the database to compare statewide the names and
19 addresses of these people. So, it's a far -- you know,
20 it's something that we might go to in the future,
21 something we could look into and study, but it's certainly
22 not something that we could just jump off into right now
23 and hope that it was going to work out all right.

24 MR. MADDEN: I wasn't there. Committee has
25 heard this bill or not, this legislation, or this idea?

1 Have we heard -- as far as you know, have we heard from
2 any county suggesting this is something that they would
3 like to do?

4 MS. BROWN: I haven't in my office.

5 MR. MADDEN: In all my times on the
6 election committee, I will tell you I've never heard of a
7 county coming up and wanting to do a separate
8 identification card at any time -- voter cards. When we
9 asked them -- I mean, when they were having to do revise
10 and mail out voter cards but this obviously puts an
11 additional load, does it not, on the county?

12 MS. BROWN: I agree. I agree. Thank you.

13 SPEAKER: Chair recognizes Ms. Gonzales to
14 close.

15 MS. GONZALES: Members, this bill is
16 permissive. This bill is not mandatory on a county. If
17 their citizens back their county commissioners to pass
18 this and the county commissioners choose to do it and pay
19 for it, then why should the state have a problem with it?

20 Aside from that, who better to have the
21 data than the actual voter registration office? They are
22 the ones that are actually issuing the voter cards. If
23 the county would authorize them to do the photo ID of the
24 person -- so, when we talk about not having the data, do
25 you think the employers have the data -- the employers

1 have all the data on the person -- on all persons? Some
2 employers will do it, some won't. Some counties will
3 choose to do it, some won't. But the county elections
4 office is going to be the ones to have the data to issue
5 this.

6 I think it's a perfectly good amendment.
7 We talk all the time here about local control. This gives
8 local control, and if we're really trying to make sure
9 that people that are entitled to vote will vote, then you
10 ought to vote for this amendment.

11 I move for passage.

12 SPEAKER: Members, Ms. Brown moves to
13 table. It's a record vote. Clerk, ring the bell. Show
14 Ms. Brown voting aye, Ms. Gonzales voting no. Have all
15 voted? There being 73 ayes and 69 nays, the motion to
16 table prevails.

17 Following amendment. The clerk will read
18 the amendment.

19 UNIDENTIFIED SPEAKER: I have a messenger
20 from the Senate to the House.

21 SPEAKER: Admit the messenger.

22 UNIDENTIFIED SPEAKER: Mr. Speaker, I'm
23 directed by the Senate to inform the House that the Senate
24 is taking the following action. HB1098 Bonnen (inaudible)
25 relating to immunization against human papilloma virus

1 (inaudible).

2 SPEAKER: The following amendment. The
3 clerk will read the amendment.

4 CLERK: Amendment by Davis of Dallas.

5 SPEAKER: The chair recognizes Ms. Davis.

6 MS. DAVIS: Thank you, Mr. Speaker,
7 members. This is an amendment that basically it just says
8 that if we've got them obtaining a voter ID card to vote
9 or Texas ID card for voting that they would not have to
10 pay a fee.

11 SPEAKER: Ms. Davis sends up an amendment.
12 Is there objection? The chair hears none. The amendment
13 is adopted.

14 Following amendment. The clerk will read
15 the amendment.

16 CLERK: Amendment by Dutton.

17 SPEAKER: The chair recognizes Mr. Dutton.
18 The chair recognizes Mr. Dutton.

19 MR. DUTTON: Thank you, Mr. Speaker,
20 Members. Members, this is an amendment that I was sitting
21 and chatting and thinking about the times that I go to the
22 poll to vote, and in most cases for about 31 years my dad
23 was the precinct judge and, after he passed away, my
24 mother became the precinct judge. And in most cases I
25 would pick them up that morning and I would take them to

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1 the polls where they would get set up about 6:00 o'clock
2 that morning. So, it just occurred to me if this bill
3 passes, even though I did that, what I would have to do is
4 I would have to do that, I would take my mom to the polls,
5 get the place set up, then I have to take out my ID and
6 give it to her and tell her who I am. That didn't make
7 sense to me.

8 MR. CORTE: Mr. Speaker?

9 SPEAKER: Mr. Corte, for what purpose?

10 MR. CORTE: I call a point of order on this
11 amendment for further consideration. It violates Rule 11,
12 Section 3.

13 MR. DUTTON: And I object.

14 SPEAKER: Bring your point of order down
15 front. Point of order is withdrawn.

16 The chair recognizes Mr. Dutton.

17 MR. DUTTON: Mr. Speaker, members, again,
18 let me try to explain this amendment. And I'm not -- I
19 mean, if you've got your mind already made up on this
20 bill, that's one thing, but I think you ought to listen at
21 least to my explanation in chatting with my mother about
22 this bill.

23 What she said is that, "So, what's going to
24 happen is 6:00 o'clock you come and pick me up to take me
25 to the polling place, I get out, me and all the other poll

1 workers, we get together and set the whole thing up, and
2 then at 7:00 o'clock when you come to vote, you mean
3 you're going to have to go get your driver's license out
4 of the car, bring it back, and show me to prove to me who
5 you are?" She says, "You-all don't have enough to do in
6 the legislature." I said, "Well, mother, you know, I
7 think an amendment will cure that."

8 That's what this amendment does. It does
9 two things. There's two requirements, rather. One is you
10 have to be registered in the precinct. It has to be on
11 the books saying that you are a registered voter in that
12 precinct. And then it says the voter for the registrar,
13 the precinct worker, has to know the person. The election
14 office in that precinct has to know that person.

15 So, if I'm there, the precinct worker knows
16 me, the election officer who is running that polling place
17 knows exactly who I am. I don't understand why this would
18 be a bad idea. So, for that reason, members, I would ask
19 you to vote for this amendment.

20 SPEAKER: Mr. Dunnam, did you have a
21 question for Mr. Dutton?

22 MR. DUNNAM: No, for the author.

23 SPEAKER: The chair recognizes Ms. Brown in
24 opposition.

25 MS. BROWN: Speaker, members, this is

1 another thing that sounds like it might work, but I can
2 think of a number of reasons why it would be better for us
3 to stay with our initial bill and to require the same
4 thing of everyone. We're not going to make exceptions for
5 some people. And by the way, this person that shows up at
6 the poll thinking, "Oh, I'm not going to bother taking any
7 ID because I think somebody there knows me," and so "they
8 are going to let me come on in." And then they get there
9 and, well, that person was ill that day and someone filled
10 in for them and so now they are there without their ID.

11 It's just not a good idea. Let's make it
12 the same across the board for everyone. You go to the
13 polls to vote, and you take your ID with you. That's the
14 policy, and that should be enforced.

15 So, I respectfully move to table the
16 motion.

17 SPEAKER: Mr. Dunnam, for what purpose?

18 MR. DUNNAM: Will the lady yield?

19 MS. BROWN: I would be happy to.

20 MR. DUNNAM: Ms. Brown, I just want to make
21 sure I understand one part of your bill. Under current
22 law, a person as a form of photo ID can present any birth
23 certificate; is that right?

24 MS. BROWN: Yes, as far as I know.

25 MR. DUNNAM: It doesn't have to be a

1 certified copy? If you bring in a copy, it's acceptable,
2 right? And you're making a change on Page 4 of your bill
3 to now require a certified birth certificate; is that
4 right?

5 MS. BROWN: That's right.

6 MR. DUNNAM: Thank you.

7 MR. MARTINEZ-FISCHER: Mr. Speaker?

8 SPEAKER: For what purpose, Mr. Martinez?

9 MR. MARTINEZ-FISCHER: -- House Bill 218
10 under Rule 4, Section 32C2.

11 SPEAKER: Bring your point of order down
12 front. Mr. Martinez-Fischer raised a point of order. The
13 point of order is overruled. The chair recognizes
14 Mr. Dutton.

15 Mr. Martinez-Fischer, if you want to come
16 up, they will explain to you why your amendment was no
17 good.

18 MR. MARTINEZ-FISCHER: That's okay. Can we
19 just put the ruling in the journal, please?

20 SPEAKER: We will. We will. The chair
21 recognizes Mr. Dutton.

22 MR. DUTTON: Thank you, Mr. Speaker,
23 members. Since it's been a little bit of time since I
24 talked about this, let me explain what this amendment
25 does. There are two requirements imposed by this

1 amendment for a person to vote without ID and that is,
2 first of all, they have to be registered. They have to be
3 on the register. And then the other requirement is that
4 the voter has to be known by the election officer, which
5 means that, as I said a moment ago, when my mother is the
6 precinct judge and I go to vote, you know, it's just -- I
7 don't know why I would take out my ID to give to my mom to
8 tell her that I'm who I say I am. That makes no sense to
9 me, and neither did it make any sense to her.

10 And so, that's the spirit under which I
11 offer this amendment, members. I know that, you know,
12 what this bill is attempting to do is to eliminate voter
13 fraud and, if that's the purpose of the amendment, there
14 is no better way to eliminate voter fraud than have
15 somebody at the polling place who knows everybody in the
16 precinct. And certainly you could start with the people
17 who are related and the people who are at home.

18 So, that's what this amendment does. I
19 know the argument was that we ought to apply this to
20 everybody. It is applied to everybody. If a person shows
21 up at the precinct and that person is on the rolls but the
22 precinct officer or the election officer does not know the
23 person, then that person has to have an ID. But in the
24 instances where an ID is not required would be the place
25 where the voter is known by the election officer and that

1 person is already on the voting rolls.

2 And so with that, Mr. Speaker and members,
3 I would ask you to vote "no" on the motion to table.

4 SPEAKER: Members, Mr. Dutton sends up an
5 amendment. Ms. Brown moves to table. Clerk, ring the
6 bell. Record vote. Show Mr. Dutton voting no. Show
7 Ms. Brown voting aye. Have all voted? There being 75
8 ayes, 69 nays, one person not voting, the vote to table
9 prevails.

10 The following amendment. The clerk will
11 read the amendment.

12 CLERK: Amendment by Villareal.

13 SPEAKER: The chair recognizes
14 Mr. Villareal.

15 MR. VILLAREAL: Thank you, Mr. Speaker,
16 members. This amendment would require all poll workers to
17 attend a training program to educate them on the
18 provisions of how Bill 218 -- how to check the various
19 forms of identification required under this legislation.
20 Sounds reasonable enough.

21 This amendment would make attendance
22 mandatory for all poll workers. Looks like it's
23 acceptable to the author. Passage.

24 SPEAKER: Members, Mr. Villareal sends up
25 an amendment. The amendment is acceptable to the author.

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1 Any objections? The chair hears none. The amendment is
2 adopted.

3 The following amendment. The clerk will
4 read the amendment.

5 CLERK: Amendment by Davis of Dallas.

6 SPEAKER: Chair recognizes Ms. Davis.

7 MS. DAVIS: Thank you. Mr. Speaker,
8 members, this amendment just basically says that we will
9 put notice of acceptable identification. As we well know,
10 at voting locations there's posted information, sample
11 ballots so the voters will understand and be clear about
12 what's appropriate or what's on the ballot.

13 This just adds another provision that will
14 be part of that posted notice about what kinds of
15 identification you will need to vote. I think it's
16 acceptable to the author.

17 SPEAKER: Ms. Davis sends up an amendment.
18 The amendment is acceptable to the author. Any objection?
19 The chair hears none. The amendment is adopted.

20 The following amendment. The clerk will
21 read the amendment.

22 CLERK: Amendment by Alonso.

23 SPEAKER: The chair recognizes Mr. Alonso.
24 The chair recognizes Mr. Alonso.

25 MR. ALONSO: Thank you, Mr. Speaker,

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1 members. Members, what this amendment does is say that
2 the Texas attorney general look at this language to
3 determine whether it violates the Voting Rights Act under
4 42 U.S.C. Section 93BF2.

5 SPEAKER: Chair recognizes Ms. Brown.

6 MS. BROWN: Mr. Speaker, members, this
7 sounds like a good idea. However, this will have to have
8 pre-clearance from the Department of Justice before it's
9 implemented.

10 So, these requirements here, really it
11 would be a waste of time and effort since we must go
12 through that -- jump through that hoop before it can be
13 implemented. So, I respectfully request that we table
14 this amendment.

15 SPEAKER: Chair recognizes Mr. Alonso to
16 close.

17 MR. ALONSO: Thank you, Mr. Speaker,
18 members. Members, let me tell you what I'm trying to do
19 with this amendment. Right now, as Ms. Brown has pointed
20 out, this bill is going to have to go before the
21 U.S. government in Washington to determine whether this is
22 good legislation or not, and what I'm trying to do with
23 this amendment is say, "Why not let Texas do it?"

24 Right now, if you know, those are chairman
25 right now ask our attorney general to render opinions.

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1 That's not a waste of time. What we're trying to find out
2 it is good policy or not. What I'm trying to say is let
3 our attorney general make the decision whether this is
4 good policy or not. And the reason I'm bringing that for
5 his determination is that, as Ms. Brown pointed out, we're
6 going to ask -- we're going to submit it to the
7 U.S. government to determine whether this violates the
8 Voter Rights Act or not. I say why not let our attorney
9 general -- let me tell you, we've done that in this
10 session already on several issues. Several issues that
11 we're dealing with here in the House of Representatives.
12 We asked the attorney general to find out what he thinks
13 about the legislation that we're doing.

14 So, this just follows the light. It's not
15 any different. It's not any different what I'm asking for
16 than chairman Swifford asked or some of you folks that
17 asked about the vaccine. I'm saying let's ask our
18 attorney general what he thinks about the legislation,
19 whether it violates the Voting Rights Act or not. All it
20 is is following policy indirectly this House has already
21 determined to follow on another issue. Let's find out
22 about this legislation. Let's find out from our attorney
23 general whether this passes muster or not.

24 With that, members, and because of what
25 we're doing already, I ask that you vote "no" on the

1 motion to table.

2 SPEAKER: Members, Mr. Alonso sends up an
3 amendment. Ms. Brown moves to table. It's a record vote.
4 Clerk will ring the bell. Show Ms. Brown voting aye,
5 Mr. Alonso voting no. Have all voted? There being 76
6 ayes, 66 nays, the motion to table the bill -- following
7 amendment. The clerk will read the amendment.

8 CLERK: Amendment by Liebowitz.

9 SPEAKER: Chair recognizes Mr. Liebowitz.
10 The amendment is withdrawn.

11 Following amendment. The clerk will read
12 the amendment.

13 CLERK: Amendment by Herrero.

14 SPEAKER: Chair recognizes Mr. Herrero.

15 MR. HERRERO: Mr. Speaker, members, thank
16 you. The amendment that I have before you -- and you can
17 see it on your screen -- tries to address the situations
18 that were created by the passing of HB218 in its current
19 form.

20 HB218 in its current form, by requiring a
21 photo ID, is essentially a poll tax. The way we can help
22 address that is by ensuring that those forms of ID that
23 will be necessary to vote, that there will be no fee
24 collected for those forms of ID.

25 Therefore, the amendment you see before you

1 would allow individuals to be exempted from having to pay
2 the fee for those documents to be used as proof of
3 identification necessary under this chapter.

4 I move for passage.

5 MR. BOHAC: Mr. Speaker?

6 SPEAKER: Mr. Bohac, for what purpose?

7 MR. BOHAC: I would like to raise a point
8 of order on this amendment under Rule 11, Section 1 as to
9 the germaneness of the amendment.

10 SPEAKER: Bring your point of order down
11 front. The point of order is withdrawn. Chair recognizes
12 Mr. Herrero on his amendment. The chair recognizes
13 Mr. Bohac in opposition.

14 MR. BOHAC: Members, this is an unfunded
15 mandate for colleges. It's unworkable. How are they
16 going to ascertain who is requesting this ID for the early
17 voting? I understand the intent of it, and we're already
18 increasing the costs for colleges, and I don't think we
19 should send them another unfunded mandate.

20 So, I respectfully move to table this
21 amendment.

22 SPEAKER: Chair recognizes Herrero to close
23 on his amendment.

24 MR. HERRERO: Thank you, Mr. Speaker.
25 Under this bill we're requiring individuals to have a form

1 of ID in order to vote.

2 MR. JACKSON: Mr. Speaker?

3 SPEAKER: Will you yield, Mr. Herrero?

4 MR. HERRERO: Not this moment, Mr. Jackson.
5 I did not yield. I will in a little bit. I'm trying to
6 explain why this is essentially a poll tax.

7 When you're requiring a photo ID or a form
8 of ID in order to vote and that form of ID requires you to
9 pay something in exchange for that ID necessary to vote,
10 that is a poll tax. So, if you pass HB218 in its current
11 form, not only will you be creating a poll tax but you
12 will be creating an un-Constitutional law.

13 So, when you try to decide do we create an
14 unfunded mandate or do we create or pass a law that's
15 un-Constitutional, think about what we're doing. Think of
16 what sort of precedent we're trying to set as a form of
17 government in a democracy where not only we are fighting
18 for democracy for other countries but yet now we're
19 creating obstacles within our own.

20 The poll tax in Texas was adopted in 1902.
21 That fee ranged from approximately a dollar 50 to a dollar
22 75. That poll tax discriminated against individuals and,
23 as a result, the 24th Amendment to the U.S. Constitution
24 prohibited the use of poll taxes. Two years after that,
25 the U.S. Supreme Court in Harper versus Virginia Board of

1 Elections ruled that poll taxes in state elections were
2 un-Constitutional.

3 When you require forms of ID necessary to
4 vote such as a driver's license, a state military ID, a
5 university ID, a concealed handgun permit, a passport --
6 all of those require fees. In fact, if you go get a
7 driver's license, it will cost you \$24 for six years and
8 that does not cover the fees for the instruction permit or
9 the road test. If you argue, "Well, I don't drive," that
10 doesn't matter because under this bill you will need a
11 form of ID. So, even if you don't drive and you're not in
12 school and you don't get a university ID, if you're
13 retired and you don't have an employer to give you ID,
14 you're no longer military or have never been in the
15 military and you don't carry a gun, well, you still need a
16 form of ID to vote and that ID is not free. There's a
17 cost associated with obtaining that fee (sic). The fee
18 for a Texas ID card is \$15 for those under 60 years of
19 age. That card will expire in six years. For those
20 individuals that are 60 years of age or older, the cost
21 for that ID is \$5.

22 So, regardless of how you look at this
23 bill, the net result is that you have to pay in order to
24 vote because without that ID this bill will prohibit you
25 from being able to vote. That's why the amendment is

1 being offered as a way to show that there is not a fee
2 being collected in order to obtain those IDs necessary to
3 be presented in order to allow a person to vote and that's
4 why I'm asking for your support. And I yield,
5 Mr. Speaker.

6 MR. JACKSON: Mr. Speaker, does the
7 gentleman yield?

8 MR. HERRERO: I do.

9 MR. JACKSON: Did you miss Representative
10 Brown's -- one of her first amendments was to say that if
11 the person said they couldn't afford the ID card for the
12 State of Texas that it was free, there is no charge?

13 MR. HERRERO: If I understood the
14 amendment, it talked about if the person says they are
15 unable to afford it that they will be issued an ID, but
16 it's discretionary.

17 MR. JACKSON: What do you mean it's
18 discretionary?

19 MR. HERRERO: If you tell me that you can't
20 afford it, I could easily just say, "No, I want you to pay
21 it."

22 MR. JACKSON: That's not what the amendment
23 said. The amendment said if they say they can't afford
24 it, they have got to issue a free ID card. So, there is
25 no poll tax. There is no cost. There is no charge. I

1 think you just missed the amendment.

2 MR. HERRERO: In my opinion --

3 MR. JACKSON: Maybe you should go back and
4 review it.

5 MR. HERRERO: I can review it as many times
6 as I want, but essentially even if I don't go for a photo
7 ID -- if I go to go get a driver's license and I have to
8 pay to get that form of ID, if that's the form of ID that
9 I choose to use to comply with this law --

10 MR. JACKSON: You don't have to have a
11 driver's license. You have to have a driver's license to
12 drive. The court's already ruled on this. It's not a
13 poll tax.

14 MR. HERRERO: If you have to pay to vote --
15 and in this case you have to pay to get some form of ID to
16 vote --

17 MR. JACKSON: If you want to drive, you
18 have to pay. If you want an ID card and you use it for
19 voting, then you go and tell them that you can't afford
20 the ID card and need one that is free. So, if it's free,
21 it can't be a poll tax.

22 MR. HERRERO: So, if I go and I'm not given
23 that information and I don't know that I have the option
24 to pay it, which there's no notice required under this
25 law, if I go and the DPS officer says, "That is going to

1 cost you, Mr. Herrero, \$15 to get your photo ID" -- it
2 doesn't say -- because it's not required under the
3 amendment, unless you see it somewhere -- and please tell
4 me if it is in there, but otherwise it's not in there,
5 Mr. Jackson. So, being no notice requirement there are a
6 lot of laws out there with certain requirements or waiting
7 to get passed the voter ID, the poll tax provision but in
8 a nutshell there's no way around the fact that this is an
9 un-Constitutional bill that if passed would be held
10 un-Constitutional because you're requiring someone to pay
11 in order to vote. Whether it's a driver's license, the
12 form of any ID, any form which is considered to be an
13 acceptable form of ID, you're required to pay to get that
14 ID.

15 MR. JACKSON: That's just not true. And
16 the poll tax makes a good sound byte, but it's just not
17 true in this case.

18 MR. HERRERO: If I'm having to pay to vote,
19 then it is a poll tax. Whether I'm having to show a piece
20 of paper or a document with my ID on it, I'm still having
21 to pay to get that to vote.

22 MR. CASTRO: Will the gentleman yield?

23 MR. HERRERO: I yield.

24 SPEAKER: The gentleman yields, Mr. Castro.

25 MR. CASTRO: In order to vote under this

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1 new bill, somebody would have to either get a driver's
2 license or they have to get this personal identification
3 card. And we also see that on Page 6 of the bill -- I
4 have the scaled version, the 8 and a half by 11 version,
5 and in that version it's on Page 6 -- that the fee for
6 personal identification card varies according to your age.

7 So, in essence we're charging different
8 people of different ages different prices to vote or we
9 could be at least; isn't that right?

10 MR. HERRERO: That's correct. Based on the
11 information we obtained, for people 60 years of age or
12 younger it's \$15 for the ID. If you're over 60 years of
13 age, it's \$5. So, yes, you're charging different amounts
14 to -- different prices to different people in order to
15 vote.

16 MR. CASTRO: Just to vote?

17 MR. HERRERO: Just to vote. And it's
18 important to note that under the current system, the U.S.
19 law, there's no fee in order to vote. When you go
20 register to vote, you don't get charged a fee. When you
21 get your voter identification card, there's no fee
22 associated with that. You're not required to pay
23 something in order to vote. Under this bill, you're
24 required to pay.

25 MR. CASTRO: Now, there's a section

1 underneath that says you can sign an affidavit saying that
2 you're unable to pay this fee and that they will give it
3 to you for free.

4 Do you see any standards set up for the
5 department to determine whether you are actually unable to
6 pay?

7 MR. HERRERO: No, there's not. And even
8 under the amendment there's no notice requirement.
9 There's no way of ensuring that a person's right to vote
10 is actually protected.

11 MR. CASTRO: So, somebody going in there
12 making a hundred thousand dollars could go in and sign an
13 affidavit or somebody going in making \$10,000 could sign
14 an affidavit?

15 MR. HERRERO: Even under the amendment
16 under that scenario or even under the amendment someone
17 could just literally say that they are not -- don't have
18 the money and they would be given an ID. But the point
19 here is not about whether you can afford it or not. The
20 point is that there's a fee associated in order to get a
21 form of ID necessary to vote.

22 MR. CASTRO: But under the original bill
23 there's no criteria to determine eligibility -- financial
24 eligibility, basically?

25 MR. HERRERO: None at all whatsoever.

1 MR. STRAMA: Will the gentleman yield?

2 MR. HERRERO: I yield.

3 MR. STRAMA: Have you looked at the fiscal
4 note on the bill as it was reported from committee?

5 MR. HERRERO: I have not.

6 MR. STRAMA: The fiscal note on the bill
7 says that it's going to cost no state general revenue,
8 which I know Mr. Chisholm will be pleased to hear, but it
9 will cost \$177,000 out of the Mobility Fund coming out of
10 the money that we need to build roads.

11 We've added an amendment to the bill today
12 that liberalizes the ability for people to get free
13 identification cards, which would add to that
14 177,000-dollar a year fiscal note out of the Texas
15 Mobility Fund; is that correct?

16 MR. HERRERO: I'll take your word for it,
17 Representative Strama.

18 MR. STRAMA: Have you listened to the floor
19 of this House this session about how we've got to stop
20 raiding the Mobility Fund to pay for things that don't
21 have anything to do with roads?

22 MR. HERRERO: I do. And again, whether
23 you're having to pay for it or not, the point is that
24 there's a fee associated with the need to vote. That's
25 why it's a poll tax, on top of the cost that it's going to

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1 be incurred to the state.

2 MS. HODGE: Mr. Speaker?

3 SPEAKER: Ms. Hodge, for what purpose?

4 MS. HODGE: Will the gentleman yield?

5 MR. HERRERO: I yield.

6 MS. HODGE: Representative Herrero, I've
7 got some real concerns about the ability to get any of
8 these documents that you need for free if you say you are
9 unable to pay. Since you have to sign an affidavit to do
10 that, it appears that I would have to be the one to
11 determine whether or not I could pay for the document. It
12 doesn't say anything about how much money I have to make.
13 It doesn't say sliding scale payment. So, if I sign an
14 affidavit saying that I cannot pay and I get the documents
15 for free, would at any point I ever be accused or charged
16 with falsifying a governmental document?

17 MR. HERRERO: That would be a charge that
18 could be made. There's no provisions under the bill for
19 that form of either notice requirement, protection of
20 civil rights, or the issues that you've pointed out,
21 Representative Hodge.

22 MS. HODGE: So, each individual person then
23 that go to pick up a form, they would make the decision
24 themselves as to whether or not --

25 SPEAKER: -- raised a point of order. The

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1 gentleman's time has expired. The point of order is
2 well-taken and sustained.

3 MR. HERRERO: I ask that you move against
4 the motion to table.

5 SPEAKER: Members, Mr. Herrero send up an
6 amendment. Ms. Brown moves to table. All in favor, vote
7 aye. Opposed, vote no. It's a record vote. Clerk, ring
8 the bell. Show Ms. Brown voting aye. Show Mr. Herrero
9 voting no. Have all voted? There being 78 ayes, 67 nays,
10 the motion to table prevails.

11 The following amendment. The clerk will
12 read the amendment.

13 CLERK: Amendment by Herrero.

14 SPEAKER: Chair recognizes Mr. Herrero.

15 MR. HERRERO: Thank you, Mr. Speaker.
16 Again, as the bill stands, you create a poll tax. In the
17 last effort to try to eliminate the poll tax provision of
18 this bill, I've offered this other amendment. This
19 amendment is limited only to personal ID cards so that
20 there's no fee in obtaining a personal Texas ID card, and
21 I ask that you please consider this amendment because as
22 the bill stands there's currently a poll tax.

23 I move for passage.

24 SPEAKER: Chair recognizes Ms. Brown.

25 MS. BROWN: Mr. Speaker, members, perhaps

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1 this would be a poll tax if we accepted this amendment and
2 started collecting a fee on it. All the things that
3 Mr. Herrero referred to are things that people already
4 have in their possession. They acquire them for another
5 purpose and then they're able to use them to vote with the
6 exception of the photo ID, in case of not having a voter
7 registration card.

8 So, I have to move to table this amendment.

9 SPEAKER: Chair recognizes Mr. Herrero.

10 MR. HERRERO: Mr. Speaker, I think we've
11 understood the arguments. If you're against poll taxes
12 and you want to do what Representative Brown has indicated
13 that we do as elected officials, which is we take an oath
14 of office, we serve to uphold the laws of the United
15 States, of the state, I ask that you vote against the
16 motion to table and you make a statement against poll
17 taxes.

18 SPEAKER: Members, Mr. Herrero sends up an
19 amendment. Ms. Brown moves to table. All those in favor,
20 vote aye. Opposed, vote nay. It's a record vote. Clerk,
21 ring the bell. Show Ms. Brown voting aye, Mr. Herrero
22 voting no. Have all voted? Being 77 ayes, 66 nays, one
23 person not voting, the motion to table prevails.

24 Following amendment. The clerk will read
25 the amendment.

1 CLERK: Amendment by Heflin.

2 SPEAKER: Chair recognizes Mr. Heflin.

3 MR. HEFLIN: Thank you, Mr. Speaker.

4 Ladies and gentlemen, this amendment strictly directs the
5 Secretary of State to adopt training standards under
6 32.111 of the Election Code whereas they have standardized
7 elections across the state so all the training for our
8 election workers is consistent, where everybody knows what
9 they are doing. And this just provides the Secretary of
10 State include in their training provisions on handling
11 these documents of identification, verifying whether they
12 are good documents or not good documents. This just
13 assures that we have standardized elections across the
14 State of Texas.

15 SPEAKER: Mr. Heflin sends up an amendment.
16 The amendment is acceptable to the author. The amendment
17 is adopted.

18 Following amendment. The clerk will read
19 the amendment.

20 CLERK: Amendment by Heflin.

21 SPEAKER: Chair recognizes Mr. Heflin.

22 MR. HEFLIN: Thank you, Mr. Speaker.

23 Ladies and gentlemen, this amendment clearly takes us out
24 of the poll tax issues, provides that any person who is a
25 registered voter in this state and presents a valid voter

1 registration certificate or anyone who is eligible for
2 registration Under Section 13.001 of the Election Code and
3 makes a statement that the person is seeking documents to
4 use to register to vote, notwithstanding that the
5 Department of Public Safety may not charge any fee for the
6 issuance of a personal identification card or any HEC
7 institution of political subdivision may not charge any
8 fee for the issuance of a birth certificate or any
9 document required to be submitted for the issuance of a
10 personal identification card.

11 This is for a limited time only until
12 September 1, 2009. This gives all those people that are
13 currently have voter registration certificates but don't
14 have photo IDs or who are eligible to have voter
15 certificates that don't have the documentation, this gives
16 them a chance to get in and get registered to vote. This
17 is a good bill, and it will --

18 SPEAKER: Will you yield, Mr. Heflin?

19 MR. HEFLIN: I will yield.

20 MR. MADDEN: Mr. Heflin, can you give us --
21 what's the fiscal note on this?

22 MR. HEFLIN: Actually, the fiscal note to
23 the voter is zero.

24 MR. MADDEN: That's not what the State of
25 Texas is interested in, though. The State of Texas is

1 interested in what's the fiscal note to the State of Texas
2 and to its counties and other --

3 MR. HEFLIN: What did we collect in our
4 last poll tax?

5 MR. MADDEN: That's not the question. The
6 question to you is what's the fiscal note on the amendment
7 you've just put forward?

8 MR. HEFLIN: The fiscal note is that those
9 who need a personal identification card as provided by law
10 under this bill would be allowed to do so without being
11 charged a penalty for voting.

12 MR. MADDEN: There's a cost, is there not,
13 on providing that personal ID free of charge which is then
14 passed on to either our state or to our local entities
15 that this bill is, in fact, going to be a large unfunded
16 mandate, is it not?

17 MR. HEFLIN: I did not draft the bill.

18 MR. MADDEN: I understand.

19 MR. HEFLIN: But the whole bill is an
20 unfunded mandate. It's an unfunded mandate because
21 there's going to have to be extra workers to handle all
22 the extra documents. There's going to have to be extra
23 workers by the Secretary of State to teach everyone how to
24 do this. So, the whole bill is an unfunded mandate.

25 MR. MADDEN: -- good share of that, but on

1 your portion of it can you tell us how much more you're
2 adding in addition -- if you think there was an unfunded
3 mandate, how much additional are you adding to it?

4 MR. HEFLIN: I cannot provide that to you.
5 I do not have a clue.

6 MR. MADDEN: Thank you.

7 SPEAKER: Chair recognizes Ms. Brown.

8 MS. BROWN: Mr. Speaker, members, we have
9 already dealt with this. We've taken care of the cost if
10 anyone can't afford the photo ID to be issued. So, we
11 keep -- keep hearing about the unfunded mandate and the
12 poll tax, and all of that it really is a non-issue. The
13 Supreme Court has already ruled that requiring a photo ID
14 is not an equivalent of a poll tax. And the -- excuse me.
15 The fiscal note on this bill is also a red flag to go up.
16 I do move to table this because it -- it's not going to be
17 helpful to the bill. Thank you.

18 SPEAKER: For what purpose?

19 MR. CASTRO: Will the gentle lady yield for
20 a question?

21 SPEAKER: Ms. Brown, do you yield? The
22 lady refuses. The chair recognizes Mr. Heflin to close.

23 MR. HEFLIN: Thank you, Mr. Speaker.
24 Ladies and gentlemen, this is a poll tax. We're going to
25 charge people \$15 or \$5 or \$30 to get these documents in

1 order to be able to vote. This is a poll tax for poor
2 people. The House today, we are setting back voters'
3 rights in the State of Texas however many years because we
4 are going to enact a poll tax. You know, this only goes
5 to 2009. This will allow those people the opportunity to
6 get in and get their voter registration ID that would be
7 required to vote. It clears up the system.

8 This is a good amendment. If we care about
9 Texas, if we care about the elderly of Texas, if we care
10 about the future voters of Texas, ladies and gentlemen, we
11 do not need to make it a --

12 MR. BOHAC: Will the gentleman yield for a
13 question?

14 SPEAKER: Mr. Heflin, do you yield?

15 MR. HEFLIN: I will yield.

16 SPEAKER: The gentleman yields.

17 MR. BOHAC: Representative Heflin, I
18 understand the intent of your amendment, but haven't we
19 already really addressed this particular issue because if
20 a person doesn't have an ID, they can go to the DPS and
21 not even sign an affidavit, merely make a statement that
22 they are unable to pay for it and they get an ID for free?

23 MR. HEFLIN: Mr. Bohac, is there a
24 difference between you standing up in front of a panel of
25 six people and saying, "I don't have the money to vote. I

1 have to sign and state today that I'm poor and can't do
2 it?" Don't you think that would discourage people to come
3 vote as opposed to we can send them to the DPS or to the
4 county clerk and they can declare there that they are
5 seeking documents for voting, that that would be a lot
6 less embarrassing to them? And that embarrassment alone
7 would cause people to stay away from the polls, and our
8 goal in the State of Texas should be to encourage people
9 to vote, not discourage them. You know, I don't know if
10 you've ever been poor. A lot of people have been poor,
11 and it's not a fun situation. So, I think we need to help
12 them to grow, mature, and become citizens of this state
13 and vote regularly.

14 MR. BOHAC: Here again, I think we've
15 already addressed this. I understand where you're coming
16 from, but we already have addressed this. Thank you.

17 MR. HEFLIN: I think we have not. I move
18 passage. Actually, I move to table the motion -- vote
19 "no" on the motion to table.

20 SPEAKER: Mr. Heflin sends up an amendment.
21 Ms. Brown moves to table. All those in favor vote aye.
22 All those opposed, vote no. It's a record vote. Clerk,
23 ring the bell. Show Ms. Brown voting aye, Mr. Heflin
24 voting no. Have all voted? There being 72 ayes and 67
25 nays, the motion to table prevails.

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1 The following amendment. The clerk will
2 read the amendment.

3 CLERK: Amendment by Rose.

4 SPEAKER: The chair recognizes Mr. Rose.

5 MR. ROSE: Mr. Speaker, members, this
6 amendment would require the election officer to inform the
7 voter that they have the right to cast a provisional
8 ballot when they are denied at the ballot box, and I've
9 worked with the author of this. This is acceptable to the
10 author.

11 SPEAKER: Members, Mr. Rose send up an
12 amendment. The amendment is acceptable to the author. Is
13 there objection? The chair hears none. The amendment is
14 adopted.

15 The following amendment. The clerk will
16 read the amendment.

17 CLERK: Amendment by Vaught.

18 SPEAKER: Mr. Vaught?

19 MR. VAUGHT: Mr. Speaker, members, this
20 amendment exempts service-related disabled veterans having
21 to provide local forms of ID when they vote. When the
22 veterans register to vote on the registration form --

23 MR. LIEBOWITZ: Mr. Speaker?

24 SPEAKER: Mr. Liebowitz, for what purpose?

25 MR. LIEBOWITZ: Can we kindly have some

1 order here?

2 SPEAKER: Members, if you'll move your
3 conversations outside the rail and give the gentlemen your
4 attention, I would appreciate it. Thank you.

5 MR. VAUGHT: Thank you, Mr. Speaker. As I
6 was saying, when the disabled veterans register to vote,
7 they would indicate on the registration application form
8 that they are a disabled veteran and that would be noted
9 on their voter registration card.

10 I don't think the veterans who have shed
11 blood on foreign battlefields past, present, and future
12 should have to prove who they are in order to vote in this
13 country that they fought to defend.

14 Disabled veterans, which we are suffering
15 many in the current war in Iraq and Afghanistan, may not
16 have a driver's license or other forms of ID needed to
17 vote under the bill as it is currently presented, and my
18 amendment will exempt those veterans from the requirements
19 of this bill.

20 MR. LIEBOWITZ: Mr. Speaker?

21 SPEAKER: For what purpose?

22 MR. LIEBOWITZ: Will the gentleman yield
23 for questions?

24 SPEAKER: Mr. Vaught, do you yield?

25 MR. VAUGHT: I yield.

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1 MR. LIEBOWITZ: When you joined the
2 Marines, did they ask you for two forms of ID when you
3 went to sign up?

4 MR. VAUGHT: Actually, I've got to clarify.
5 I was United States Army.

6 MR. LIEBOWITZ: I beg your pardon. We'll
7 forgive you. Did they ask you for two forms of ID?

8 MR. VAUGHT: Not that I recall. It was
9 many years ago, but I don't think so.

10 MR. LIEBOWITZ: You did, in fact, suffer a
11 service-related disability, as well, did you not?

12 MR. VAUGHT: Yes, sir, a roadside bomb in
13 Sauder City, Iraq injured me, yes.

14 MR. LIEBOWITZ: And what you're telling
15 this body is that you're asking them to vote to exempt
16 veterans who have fought on our behalf for the freedoms
17 that we enjoy. If they were injured and they have a
18 service-related disability, you're asking this body to
19 provide them with an exemption from this requirement of
20 two forms of ID.

21 MR. VAUGHT: That's exactly what I'm
22 asking.

23 MR. LIEBOWITZ: That's the extent of your
24 amendment?

25 MR. VAUGHT: Yes, sir.

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1 MR. LIEBOWITZ: Okay. Very good. Thank
2 you.

3 MR. ANCHIA: Mr. Speaker?

4 SPEAKER: Mr. Anchia, for what purpose?

5 MR. ANCHIA: Will the gentleman yield?

6 MR. VAUGHT: Yes, I yield for a question.

7 MR. ANCHIA: Mr. Vaught, you fought in
8 Iraq, correct?

9 MR. VAUGHT: That's correct.

10 MR. ANCHIA: And this was combat duty?

11 MR. VAUGHT: Correct.

12 MR. ANCHIA: And you helped people -- you
13 were there when they were holding elections?

14 MR. VAUGHT: We had some tribal council
15 elections that I oversaw when I was in Falusia.

16 MR. ANCHIA: Did they use photo ID during
17 those tribal council elections?

18 MR. VAUGHT: No.

19 MR. ANCHIA: Does this seem like under
20 HB218 we're making it harder to vote in Texas than we are
21 in Afghanistan and Iraq?

22 MR. VAUGHT: I believe so, yes.

23 MR. ANCHIA: Thank you.

24 MR. BERMAN: Mr. Speaker?

25 SPEAKER: For what purpose, Mr. Berman?

1 MR. BERMAN: Will the gentleman yield?

2 MR. VAUGHT: Yes, sir, I yield.

3 MR. BERMAN: You know, a lot of disabled
4 veterans -- you and I are disabled?

5 MR. VAUGHT: Yes, sir.

6 MR. BERMAN: You and I have been in combat,
7 but a lot of disabled veterans have never seen combat in
8 their lives. They hurt their back in the motor pool, they
9 did something like that. I know you mentioned the shed
10 blood in combat and I agree with you a hundred percent,
11 but how do we distinguish between those veterans who have
12 a 10 percent disability because their back hurts or some
13 other like that, and how do we distinguish between other
14 veterans who are here legally as immigrants because not
15 all veterans are U.S. citizens. Not all service members
16 are U.S. citizens -- and they can't vote anyway. And I
17 think the last part I wanted to ask you about is if you
18 open your wallet, I'm sure you have a military ID card
19 like I have. Do you have one?

20 MR. VAUGHT: No, sir, I don't have one on
21 me, no.

22 MR. BERMAN: But do you have one?

23 MR. VAUGHT: I have one that's expired. It
24 expired last month. I don't have the time to go and renew
25 it wherever the place is I'm supposed to go renew it.

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1 MR. BERMAN: That's the questions I've got,
2 Alan, the fact that there are non-citizens who are serving
3 in the military and there are military personnel with
4 disabilities would have never served in combat.

5 MR. VAUGHT: Yes, sir. There are multiple
6 questions, and I'll do my best to answer them as I recall
7 them.

8 The first question, I believe, was how do
9 you differentiate between those injured in the line of
10 duty versus motor pool, and I believe the VA currently
11 makes that differentiation. However, I believe that any
12 disabled veteran should be subject to the benefits offered
13 by this amendment. Whether they served in combat or
14 peacetime, they have all contributed to preserving the
15 democracy we all love. So, I believe they should be
16 eligible.

17 With regards to those brave individuals who
18 are not United States citizens who are currently fighting
19 and dying in Iraq, they are totally exempted from voting
20 to begin with. So, I don't think that's a problem.

21 MR. BERMAN: But, Alan, wouldn't any
22 veteran be proud to show their ID card to vote because
23 that's why we serve and that's why we went into combat? I
24 have never went against a veteran's bill in my life.

25 But you're asking to do something -- what

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1 is the benefit to just be able to go in there -- now, you
2 say that the first time you're going to have to show an ID
3 when we register to vote and then it will be marked on the
4 voter registration card; is that correct?

5 MR. VAUGHT: Well, I guess I'll answer your
6 question first about most of them having IDs, and they
7 probably do. You and I both have our IDs, although mine's
8 expired, and if I needed to rely on it today to vote I
9 would be excluded from voting unless I could show some
10 other ID. But, you know, there's got to be individuals
11 out there that don't. I mean, I watch the news and I see
12 these brave soldiers, missing limbs, record numbers in
13 this war, in fact. The most since any war since the Civil
14 War. May be hard for them to go get an ID. I'm saying
15 when there is a question about whether they do or they
16 don't, I think we need to come down on the side of the
17 disabled veterans, and I think that's what this amendment
18 does.

19 MR. BERMAN: You said before -- you
20 mentioned before a veteran is going to get a voter
21 registration card. Didn't you say that he has to show an
22 ID at that time to get a voter registration card?

23 MR. VAUGHT: I don't think we discussed
24 that earlier, but when you go -- this amendment as written
25 would basically have the same requirements you have now to

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1 get a voter registration card, but there's a box to check
2 stating under penalty of perjury that you are a disabled
3 veteran under the criteria matched by this amendment.

4 MR. BERMAN: A box that you check where?

5 MR. VAUGHT: It's on the voter registration
6 card. Let me find it here, please. I believe it's on
7 Page 2, a space or box for indicating whether the
8 applicant served in the capacity in which we're talking
9 about.

10 MR. BERMAN: Okay.

11 MR. VAUGHT: In the application form.
12 Pardon me.

13 Move passage, Mr. Speaker.

14 SPEAKER: Chair recognizes Ms. Brown.

15 MS. BROWN: Mr. Speaker, members, this is a
16 very difficult vote because no one in here wants to be
17 perceived as voting against veterans. I think we all know
18 how we feel about our veterans and the debt that we owe
19 them.

20 However, I have trouble following the
21 information that Mr. Vaught has given us about disabled
22 veterans not having photo ID and that some then -- their
23 photo ID expires. I'm assuming -- and I think I'm
24 right -- in the fact that any disabled veteran who is
25 drawing disability checks would have a photo ID. He would

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1 have to. And plus, probably numerous other forms of photo
2 ID.

3 So, I really -- I understand why that we're
4 being put in the position to take this vote. I don't
5 think we should be seen as casting a vote against our
6 veterans because I don't think this is a vote against our
7 veterans.

8 MR. CHRISTIAN: Mr. Speaker?

9 SPEAKER: Mr. Christian --

10 MR. CHRISTIAN: Will the lady yield?

11 MS. BROWN: I'll be happy to.

12 SPEAKER: The lady yields.

13 MR. CHRISTIAN: Ms. Brown, am I correct
14 that if a veteran does not have an identification card
15 under your bill as it's been amended, they can go and get
16 one for free at the driver's license --

17 MS. BROWN: Absolutely. Absolutely.

18 MR. CHRISTIAN: So, this in no way prevents
19 a veteran from being able to get identification at no
20 cost, they can do it for free -- am I correct this in no
21 way discriminates against veterans or anybody else that's
22 legal in this country?

23 MS. BROWN: I would not be up here -- if it
24 was discriminating against our veterans, you can bet that
25 I would be talking about how much we need this amendment,

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1 but I don't think it's accomplishing what -- the hope that
2 it would accomplish.

3 MR. CHRISTIAN: Does your bill also include
4 the people we honor as veterans, which we do, but also
5 under your bill not only can veterans get free IDs, but
6 also fire fighters, policemen, anybody else that's been
7 harmed in the line of service to our country?

8 MS. BROWN: That's right.

9 MR. CHRISTIAN: Thank you very much.

10 MS. BROWN: If we need to go back to the
11 fact of what the bill was brought forward for, and that is
12 simply to increase the integrity of our voting process and
13 to thereby encourage to have faith in that process.

14 MR. NORIEGA: Will the gentle lady yield?

15 SPEAKER: Ms. Brown? The lady yields.

16 MR. NORIEGA: Ms. Brown, are you aware of
17 the voting process in some other countries as it applies
18 to voter ID?

19 MS. BROWN: Yes, I've heard lately quite a
20 bit about that.

21 MR. NORIEGA: I wanted to share with you
22 and to your knowledge you may not be aware, but I witness
23 the first election ever held in Afghanistan. Were you
24 aware of that?

25 MS. BROWN: No, I didn't know that you

1 witnessed that.

2 MR. NORIEGA: Well, in a third-world
3 country where many of the women wore berkas, they merely
4 had a piece of paper that was identification and they
5 applied a fingerprint, and there's probably not any way --
6 there was not a picture ID.

7 Why would we in this country, after a
8 veteran has gone through a voter registrar, proven that
9 they are a veteran or they have checked the box on the
10 application form proving their disability and so forth,
11 and they show -- then on the day of the vote why would we
12 not allow that veteran to vote because they merely didn't
13 have a photo ID?

14 MS. BROWN: I'm sorry. Did you have a
15 question, or were you making a statement.

16 MR. NORIEGA: I asked a question. I asked
17 then in comparison to a third-world country that has no
18 way of verifying either through photo or through
19 fingerprint and allowing those that perhaps are illiterate
20 to vote in this country where we have gone through the
21 process to prove a veteran status and disability status
22 and that person shows up to vote, why would we prohibit
23 that disabled veteran from voting?

24 MS. BROWN: Well, we wouldn't and we don't
25 and that's not what this bill is about, and I would be

1 happy to accept the amendment.

2 SPEAKER: Mr. Vaught sends -- Vaught sends
3 up an amendment. The amendment is acceptable to the
4 author. Is there objection? Chair hears none. The
5 amendment is adopted.

6 The following amendment. The clerk will
7 read the amendment.

8 CLERK: Amendment by Escobar.

9 SPEAKER: The chair recognizes Mr. Escobar.

10 MR. ESCOBAR: Members, this particular
11 amendment, what it does, it says if you are a widower or a
12 widow of a veteran, at the time that you go and apply for
13 a voter registration, under oath you check a little mark
14 that says that you are a widow or a widower of a veteran.
15 And so, that in itself, when you get your card back, it
16 automatically says that and that's the only requirement
17 that you have to have, is that you are a widower or a
18 widow of a veteran. And I say that because, you know, how
19 many times, again, have we come to this House and we have
20 had many widows and widowers of veterans and we recognize
21 them? And this is one way that we can respect their honor
22 where they fought so gallantly for our country and gave
23 their lives.

24 SPEAKER: Mr. Raymond, for what purpose?

25 MR. RAYMOND: Do you know if the amendment

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1 is acceptable to the author or not?

2 MR. ESCOBAR: I believe the -- is it
3 acceptable to the author?

4 SPEAKER: It is, Mr. Raymond.

5 MR. RAYMOND: Then do you want to move
6 passage?

7 SPEAKER: The amendment is acceptable to
8 the author. Any objection? The chair hears none. The
9 amendment is adopted. Ms. Davis --

10 Following amendment. The clerk will read
11 the amendment.

12 CLERK: Amendment by Davis of Dallas.

13 MS. DAVIS: Thank you. Mr. Speaker,
14 members, this amendment just basically says when they send
15 out -- when the voter registrar sends out the new voter
16 registration cards, they will include language and
17 information with regard to what the law changes are with
18 voting requirements, and it's acceptable to the author.

19 SPEAKER: Ms. Davis sends up the amendment.
20 The amendment is acceptable to the author. Is there
21 objection? Chair hears none. The amendment is adopted.

22 The following amendment. The clerk will
23 read the amendment.

24 CLERK: Amendment by Villareal.

25 SPEAKER: The chair recognizes

1 Mr. Villareal. The chair recognizes Mr. Villareal.

2 MR. VILLAREAL: Mr. Speaker, members, this
3 amendment says if you follow the new law, show up with
4 proper ID, but an election judge still sends you away,
5 then there's a penalty, an increased penalty. Instead of
6 a Class B, it's a Class A misdemeanor.

7 SPEAKER: The chair recognizes Ms. Brown.

8 MS. BROWN: Mr. Speaker, members, I have
9 worked a lot of elections and I know -- I have a lot of
10 friends that worked elections and they are conscientious
11 people who work all day long, long hours for very little
12 money and they go through training. We have added
13 additional training today with this bill so that they know
14 what they're doing and can interpret the law fairly.

15 I cannot in any -- in good conscience raise
16 a penalty for them making a mistake to a Class A
17 misdemeanor, meaning jail time. So, I move that we table
18 this amendment.

19 MR. CASTRO: Will the gentle lady yield for
20 a question?

21 SPEAKER: Ms. Brown, do you yield?

22 MS. BROWN: Yes, I'll yield.

23 MR. CASTRO: Representative Brown,
24 Representative Villareal's amendment would raise the
25 penalty from a Class C misdemeanor to the highest level of

1 misdemeanor, Class A misdemeanor --

2 MS. BROWN: Which is jail time.

3 MR. CASTRO: Well, no. It could still be
4 probation. Don't you agree that we are generally raising
5 the stakes when it comes to voting by passing this bill?
6 We're trying to prevent voter fraud; is that right?

7 MS. BROWN: Absolutely. We're trying to
8 increase the integrity of the voting process by increasing
9 people's confidence in that process so that they want to
10 participate.

11 MR. CASTRO: Absolutely. And I hear you.
12 I think you've also heard some concern from folks about
13 voter suppression; is that right?

14 MS. BROWN: I've heard some people be
15 concerned about that, yes.

16 MR. CASTRO: All right. Now, you want to
17 protect the integrity of the voting process that when
18 somebody goes to vote, it's not just the voter who is part
19 of the voting process. You agree with that, don't you?

20 MS. BROWN: Yes.

21 MR. CASTRO: It also includes the election
22 judge and the poll workers; is that right?

23 MS. BROWN: That's right.

24 MR. CASTRO: So, for the process to have
25 integrity, those folks have to know what they are doing

1 and they also have to have integrity; is that right?

2 MS. BROWN: That's right.

3 MR. CASTRO: So, if somebody intentionally
4 disenfranchises a voter, you still don't think that they
5 should be subject to something more than a Class B
6 misdemeanor?

7 MS. BROWN: I think there is already a
8 penalty there and I think that that serves its purpose and
9 it's just fine. I will not be part of raising the penalty
10 on these people that we have extremely hard time finding
11 someone who is actually a contribution they make, being
12 able to give that full day from 7:00 to 7:00, 12 hours,
13 and it's not an easy job and they come into the process --
14 these people come because they want to make a contribution
15 to the process. They don't come to be reimbursed with a
16 large amount of money. It really just pays their expenses
17 for getting there and back. I'm not going to accept the
18 amendment. I'm sorry.

19 MR. CASTRO: A lot of people who go to vote
20 are not paid -- people that go to vote aren't paid any
21 money either, and many of them make a big sacrifice to go
22 vote.

23 MS. BROWN: Yes.

24 MR. CASTRO: Do you agree with that?

25 MS. BROWN: Yes, and I think that the

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1 people I know are happy to do it because they realize the
2 value of casting a vote in a free world.

3 MR. CASTRO: You don't think that because
4 we made it -- we're making it tougher to vote after today.
5 Do you agree with that?

6 MS. BROWN: Not necessarily.

7 MR. CASTRO: We're placing more
8 requirements -- that's the purpose of this bill, to place
9 more requirements --

10 MS. BROWN: Asking them to simply bring
11 with them a photo ID?

12 MR. CASTRO: Since we're making it tougher,
13 don't you think we should make it tougher on people who
14 might disenfranchise the voters coming to the polls?

15 MS. BROWN: I'm sorry. I can't go there
16 with you.

17 SPEAKER: Mr. Bohac, for what purpose?

18 MR. BOHAC: Are you aware that a Class A
19 misdemeanor is up to a 4,000-dollar fine and two years in
20 jail?

21 MS. BROWN: Yes, I am. Now I am. Thank
22 you. I move to table.

23 SPEAKER: Chair recognizes Mr. Villareal.

24 MR. VILLAREAL: I believe that if there's
25 going to be a higher standard to go vote, there should be

1 a higher standard, higher penalty for turning away a
2 voter, and it seems like this amendment would try to bring
3 balance in making sure that not only do we have valid
4 voters showing up but we ensure access to voters.

5 So, members, I ask that you vote with me
6 and vote "no" against the motion to table.

7 SPEAKER: Members, Mr. Villareal sends up
8 an amendment. Ms. Brown moves to table. All those in
9 favor, vote aye. All opposed, vote no. It's a record
10 vote. The clerk will ring the bell. Show Ms. Brown
11 voting aye. Show Mr. Villareal voting no. Have all
12 voted? There being 78 ayes, 69 nays, one person not
13 voting, the motion to table prevails.

14 The chair recognizes Ms. Davis on motion to
15 reconsider.

16 MS. DAVIS: Thank you, Mr. Speaker and
17 members. I would like to move to reconsider Amendment
18 No. 17.

19 SPEAKER: Members, you've heard the motion.
20 Any objection? Chair hears none.

21 MS. DAVIS: Mr. Speaker, I would like to
22 withdraw that amendment.

23 SPEAKER: The amendment is withdrawn.
24 Following amendment. The clerk will read the amendment.

25 CLERK: Amendment by Davis of Dallas.

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1 SPEAKER: Chair recognizes Ms. Davis.

2 MS. DAVIS: Thank you. Mr. Speaker,
3 members, this is an amendment we did earlier and we
4 basically took out the language that referenced whether or
5 not it would be printed in English and Spanish. I left it
6 to the jurisdiction whatever is acceptable in terms of the
7 notices that are required by federal or state law. This
8 basically just clears that up so that we're not
9 establishing anything new, just making sure that it
10 complies with the federal laws. I think it's acceptable
11 to the author.

12 SPEAKER: Members, Ms. Davis sends up the
13 amendment. The amendment is acceptable to the author. Is
14 there objection? The chairs hears none. The amendment is
15 adopted.

16 The following amendment. The clerk will
17 read the amendment.

18 CLERK: Amendment by Strama.

19 SPEAKER: The chair recognizes Mr. Strama.

20 MR. STRAMA: Thank you, Mr. Chairman. If
21 you want to mention, this is the last amendment, that
22 might -- thank you. I had to bring that good news to the
23 body.

24 This amendment, I believe, gets the
25 proponents of this bill where they're trying to go, to

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1 reduce voter fraud with minimal consequences for
2 law-abiding Texans.

3 So, what this amendment does is eliminates
4 the requirement for a photo ID but instead creates an
5 election integrity task force in every district attorney's
6 office in the State of Texas.

7 MR. BERMAN: Mr. Speaker?

8 SPEAKER: For what purpose?

9 MR. BERMAN: Mr. Speaker, I raise a point
10 of order against further consideration of Representative
11 Strama's amendment in that it violates House Rule 11,
12 Sections 2 and 3.

13 SPEAKER: Bring your point of order down
14 front. Point of order is withdrawn. Chair recognizes
15 Mr. Strama.

16 MR. STRAMA: I just want to make it clear,
17 the point of order was about the germane-ness and this is
18 germane to the bill because I'm trying to accomplish the
19 same thing the proponents of the bill are trying to
20 accomplish. I'm trying to deal without interfering with
21 the right to vote on law-abiding Texans. So, let me
22 quickly walk you through what the amendment does.

23 The first thing it does is it creates an
24 election integrity task force in every district attorney's
25 office in the state for the purpose of prosecuting voter

1 fraud of the nature that this bill is intended to prevent.

2 The second thing that the bill does is
3 require the Secretary of State's, the chief elections
4 official of the State of Texas, to conduct trainings
5 across the state for election administrators, law
6 enforcement personnel, and district attorneys to train
7 them in detecting and prosecuting voter fraud of the
8 nature that this bill is attempting to prevent.

9 And the third thing that the bill does is
10 require every county election administrator to conduct a
11 post-election integrity audit and any evidence they find
12 of suspicious behavior that might be the type of voter
13 fraud that this bill is intended to prevent must be
14 referred for prosecution.

15 The point, members, is that the shortest
16 distance between two points is a straight line. And the
17 straight line between preventing people from breaking the
18 law by impersonating someone they are not is to enforce
19 that law against those law breakers rather than erect
20 barriers to -- to voter participation from law-abiding
21 Texans.

22 That's what the amendment does. It deletes
23 the requirement for photo ID and replaces it with a
24 tough-armed voter fraud law enforcement approach in order
25 to minimize the unintended consequences for law-abiding

1 Texans and, frankly, to maximize the effect that we can
2 have on reducing voter fraud. And, Mr. Anchia, I'll get
3 with you in a minute. I want to read you-all something
4 about requiring ID as a way of securing elections or
5 anything else.

6 I had the privilege when I was in the
7 private sector working on elections security
8 professionally to testify before a Commission of the
9 National Science Foundation appointed by the president to
10 study whether it was possible to conduct internet voting
11 without opening it up to massive voter fraud. And one of
12 the folks who served on that commission who I got to know
13 a little bit is a technology security specialist named
14 Bruce Schneider who writes a lot -- publishes a lot about
15 security, and he published an article that I just want to
16 read an excerpt from as it relate to the effectiveness of
17 photo ID.

18 He says, "Everywhere it seems someone is
19 checking IDs. The ostensible reason is that ID checks
20 make us all safer, but it's just not so. In most cases,
21 identification has very little to do with security.
22 First, verifying that someone has a photo ID is a
23 completely useless security measure. All the September
24 11th terrorists had photo IDs. Some of the IDs were real,
25 some were fake. Some were real IDs and fake names bought

1 from a crooked DMV employee in Virginia for a thousand
2 dollars each. Fake driver's licenses for all 50 states
3 good enough to fool anyone who isn't paying close
4 attention are available on the internet. If you don't
5 want to buy IDs on-line, just ask any teenager where to
6 get a fake ID."

7 Members, there are ways to prevent the type
8 of voter fraud that this bill intends to prevent, and none
9 of them require photo ID at the polls nor, in fact, by the
10 logic of one of the most brilliant technology security
11 specialists in the country, nor does requiring photo ID at
12 the polls actually reduce voter fraud. Prosecuting
13 violations of the law, which my amendment does, is the way
14 to prevent voter fraud. And if the problem is as rampant
15 as it has been suggested by the proponents of this bill,
16 then we ought to all be very concerned about prosecutors
17 not prosecuting this offense and we ought to all support
18 this amendment. As Representative Brown said in early
19 discussion today, prosecutors, she said, have not made
20 prosecution of this crime a high enough priority.

21 Members, if securing the integrity of our
22 democracy is not a high enough priority for prosecutors in
23 this state, we can make it so with this amendment.

24 I will yield to Representative Anchia.

25 MR. ANCHIA: Mr. Speaker?

1 SPEAKER: Mr. Anchia, for what purpose?

2 MR. ANCHIA: Will the gentleman yield?

3 SPEAKER: Mr. Strama, do you yield?

4 MR. STRAMA: Yes.

5 MR. ANCHIA: Mr. Strama, let me see if I
6 understand the intent of your bill correctly. If, in
7 fact, a case of voter impersonation were to occur, what
8 does your bill do to HB218 to make sure that that voter
9 impersonation would be dealt with?

10 MR. STRAMA: A, it requires prosecutors
11 have a task force trained in identifying and prosecuting
12 voter impersonation. B, it requires the Secretary of
13 State's office to conduct trainings for election officials
14 and prosecutors to identify and detect and prosecute those
15 offenses and, C, it requires election officials to conduct
16 a post-election integrity audit to identify and refer for
17 prosecution any suspected cases of voter impersonation.

18 MR. ANCHIA: Now, Representative Brown
19 about four hours -- maybe five hours ago during the
20 additional layout of the bill -- suggested this was an
21 enforcement problem but there were problems with enforcing
22 this. Isn't that what your amendment gets at?

23 MR. STRAMA: I believe if we enforce the
24 law against the law breakers, we do not have to put up
25 artificial barriers that affect the voting rights of

1 law-abiding Texans.

2 MR. ANCHIA: I suspect some people are
3 going to come and ask you about how much money this costs
4 or whether there's a fiscal note associated with this.
5 Can you speak to that issue?

6 MR. STRAMA: The first response I would
7 have is what price democracy? The second response I would
8 have is that this bill puts a burden on law-abiding
9 Texans. Rather, we should put the burden on the state
10 whose job it is to secure the integrity of elections.

11 MR. ANCHIA: So, in other words, the burden
12 falls not on the individual in the exercise of individual
13 liberties as guaranteed under the Constitution but rather
14 on the proponents of this bill, on the state, who are
15 seeking to regulate essentially civil liberties at this
16 point and trying to make it harder for people to vote?

17 MR. STRAMA: Representative Anchia, I'll
18 tell you, it's a price I'm willing to pay as a
19 policy-maker in the State of Texas that we invest in
20 providing law enforcement resources and making it a
21 priority to prosecute voter fraud. Now, I will say this.
22 The framework I've created in this amendment only --
23 because it has to be germane to this bill -- only is
24 applied to voter impersonation, a specific form of voter
25 fraud. But quite frankly, I would hope that if we create

1 this framework we could come back and expand that power so
2 that they are also investigating cases of voter
3 intimidation, voter suppression, trying to buy votes,
4 trying to tamper with the software on an electronic voting
5 device. There are a whole bunch of -- and the biggest
6 form of fraud, which is mail-in balloting fraud. All of
7 those things are to be a high priority for prosecutors in
8 the State of Texas. And if they are not making it a
9 priority, we have the power as the state legislature to
10 make it their priority.

11 MR. ANCHIA: So, if I'm hearing this
12 currently, the authors of this bill are screaming out that
13 voter impersonation is a problem. Your bill says enforce,
14 enforce, enforce. Prosecute those people that engage in
15 voter impersonation, and we're going to dedicate special
16 resources to make sure that that happens so that voter
17 impersonation is -- is definitely not a problem, that
18 there's none of it that would go on. And if it does go
19 on, it would be prosecuted vigorously?

20 MR. STRAMA: Anybody, Representative
21 Anchia, who shares your passion, my passion, and the
22 passion of the proponents of this bill for securing the
23 integrity of elections in this state should support this
24 amendment because integrity means not only preventing
25 fraud but ensuring access. One person, one vote is none

1 of us should be allowed to vote twice, but it is equally
2 important that none of us should be denied our legal right
3 to vote and this bill strikes that balance.

4 MR. ANCHIA: So, if you vote against your
5 amendment -- if someone were to vote against your
6 amendment, they are essentially voting not to enforce
7 against active voter impersonation; is that correct?

8 MR. STRAMA: I'm sorry. I was trying to
9 see if I was persuading him at all. I don't want to waste
10 the members' time.

11 MR. ANCHIA: So, in this case someone who
12 would vote against this amendment would essentially be
13 saying, no, we don't want to throw more resources at this
14 perceived problem, we don't want to enforce against the
15 law breakers. We would rather burden the 2 million Texans
16 and essentially disenfranchise millions of Texans. Rather
17 than throwing resources and dealing with this problem
18 head-on, we want to do it indirectly and jeopardize the
19 franchise for a majority of the people who are following
20 the law right now?

21 MR. STRAMA: That's how I would
22 characterize the choice, Representative Anchia. When
23 Representative Truitt had a concern about car theft, she
24 didn't require all drivers to invest in expensive GIS
25 technology to track down their car. She said, "Let's

1 enforce and strengthen the laws against car theft. Let's
2 go after the law breakers." When we were concerned about
3 child sexual assault, we didn't make it illegal to have
4 children. We said, "We're going to go after the
5 violators" because that's the shortest distance between
6 two points and --

7 MR. ANCHIA: Okay. Thank you, Mr. Strama.

8 SPEAKER: Mr. Strama, do you yield to
9 Mr. Madden?

10 MR. STRAMA: I will yield to my colleague.

11 MR. MADDEN: First of all, it's obviously
12 good to see you, and you've done a lot of intelligent
13 things that you looked at, but I think it's fair to let
14 the members know what your first section of your amendment
15 does, and I believe it says "strike all below the enabling
16 clause" so that all that we've been debating for the last
17 six hours is struck by your amendment.

18 Is that the first thing you do?

19 MR. STRAMA: That's correct. I want to
20 make it clear to the members, that I regret that this
21 amendment couldn't have been the first amendment
22 considered today rather than the last. I pre-filed the
23 amendment last night. I had every intention of bringing
24 this to the body's attention at a very early stage in this
25 debate because I genuinely believe this is an area where

1 we ought to be able to find common ground because I
2 genuinely believe that no member of this body sanctions or
3 condones voter fraud and that no member of this body
4 sanctions or condones anything that would reduce people's
5 access to the right to vote and the common ground that
6 preserves access to the franchise while eliminating voter
7 fraud to the best of our capabilities is to strike the
8 requirement for a photo ID of all law-abiding Texans and
9 instead prosecute the laws that are on the books.

10 MR. MADDEN: Obviously, honest people will
11 have different ideas on that. Because you asked the
12 question what price democracy, and I believe it's the
13 price of eternal vigilance that we have to have to protect
14 the most sacred right that our citizens have, isn't it?
15 That absolutely is the right to vote and to make sure that
16 you have one man, one vote, and that only those people who
17 are in fact entitled to vote in the system are those who
18 are allowed to vote. And we will disagree, I believe, on
19 the -- on the purpose and the ideas that Ms. Brown is
20 trying to say, very clearly, I believe, is she not, in her
21 legislation that she has here that says we only want those
22 people who are truly who they say they are on the list,
23 that they are truly, in fact, who they are and that they
24 have to show that they, in fact, can prove that they are
25 in fact that person and not someone who's making up or

1 using false identification.

2 MR. STRAMA: Mr. Madden, I believe -- I
3 take Representative Brown at her word that that is her
4 intention. And what I'm saying with this amendment is
5 that we can accomplish her intention without having the
6 unintended consequence of making it harder for law-abiding
7 Texans to vote. I genuinely believe we can do that.

8 MR. MADDEN: And despite the other
9 questions in the previous comment of what price, there is
10 a cost, obviously, to the State of Texas that's associated
11 and particularly to our counties that is associated with
12 your amendment.

13 Do you have any idea of what that dollar
14 figure is?

15 MR. STRAMA: I think it's the cost of
16 eternal vigilance.

17 MR. MADDEN: We would agree with that.

18 SPEAKER: -- raises a point of order the
19 gentleman's time is expired. The point of order is
20 well-taken and sustained.

21 Chair recognizes Ms. Brown.

22 MS. BROWN: Thank you, Mr. Speaker,
23 members. We have been here a long time --

24 SPEAKER: Chair recognizes Ms. Brown. I'm
25 sorry.

1 MS. BROWN: As I said, we have been here a
2 long time. I hope that you'll stay with me on this and
3 realize that actually this is a substitute bill. It's not
4 really an amendment. This strikes most of the language in
5 my bill and starts over with another approach, a very,
6 very expensive approach.

7 So, I move to table this amendment and --

8 MR. STRAMA: Mr. Speaker? Will the lady
9 yield?

10 SPEAKER: Ms. Brown? The lady yields.

11 MR. STRAMA: Thank you for yielding. I
12 know it's been a long day, and I hope really wish we could
13 have had this discussion earlier in the day, but I just
14 want to remind you maybe and ask you to clarify a few
15 comments you made earlier in the day.

16 Didn't you say earlier in the day that
17 prosecuting election fraud has not been a high enough
18 priority for prosecutors in this state? Wasn't that one
19 of the reasons that you said you were unable to point to
20 any documented prosecutions of the type of voter fraud
21 this bill is intended to prevent?

22 MS. BROWN: I said we haven't placed that
23 high on our list of priorities because our DAs are busy
24 protecting us from robbers and murderers and so on.

25 MR. STRAMA: But you don't agree with them

1 not making a high enough priority of prosecuting voter
2 fraud. That is what I inferred from your earlier
3 comments.

4 Did I misunderstand your opinion about
5 that?

6 MS. BROWN: I said we have to take a
7 different approach. We have to recognize the threat that
8 is to our system and, yes, prosecute -- hopefully with the
9 implementation of my bill they will stop much of the voter
10 fraud that's going on and people will be presenting their
11 photo IDs when they come to the poll places and that will
12 stop a lot of the fraud that's going on.

13 MR. STRAMA: Another question I have to
14 clarify something you said earlier in response to
15 Representative Hochberg's review of the evidence you
16 presented that this type of voter fraud is a problem, you
17 said that there were no documented cases after 2000 in
18 Harris County because Harris County stepped up its efforts
19 to enforce the law; is that correct?

20 MS. BROWN: Yes. They are a fine example
21 of what can be done, given enough manpower and money to be
22 able to do it.

23 MR. STRAMA: So, without implementing a
24 photo ID requirement at the polls, Harris County put an
25 end to this type of voter fraud simply by enforcing the

1 law against law breakers and without wrapping up
2 law-abiding Texans in the process?

3 MS. BROWN: No, they helped us make it
4 easier to find those or to prosecute the people who have
5 committed voter fraud. This was just another part of it.
6 Having good lists, good lists at the polls and continually
7 updating. It's not a perfect process, by any means.

8 MR. STRAMA: Didn't I hear you move to
9 table Representative Anchia's amendment that would have
10 improved the quality of the lists at the polls, and now
11 you're moving to table an amendment that would increase
12 the prosecution of voter fraud? How am I to believe what
13 you keep telling me, that this is a bill about reducing
14 voter fraud when you keep tabling amendments that would
15 attack voter fraud at its root?

16 MS. BROWN: I'm tabling your amendment,
17 Mr. Strama.

18 MR. STRAMA: The member will decide that, I
19 believe.

20 MS. BROWN: Pardon?

21 MR. STRAMA: The members will decide that,
22 I believe.

23 MS. BROWN: Excuse me. I move to table
24 your amendment, Mr. Strama, because it should not be
25 presented here as an amendment to begin with. It should

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1 have been taken to committee process and considered there
2 because it's not just an amendment. It totally replaces
3 my bill with a different approach, and I do move to table.

4 SPEAKER: Chair recognizes Mr. Strama to
5 close.

6 MR. STRAMA: Members, I just want to say
7 again that if you really want to prevent voter fraud,
8 you've had a number of opportunities to do so today.
9 Representative Anchia's amendment would have cleaned up
10 the voter lists. The best way to prevent anybody from
11 pretending to be somebody they are not at a polling place
12 is to get the dead word off the voter files. When there
13 aren't anymore dead people on the voter registration
14 lists. When all the people who have moved out of the
15 county are removed from the voter file, it makes it very
16 hard for anyone to pretend to be somebody they are not at
17 the polling place.

18 You could have had that amendment. You
19 moved to table. Now you've got an amendment that
20 addresses the second component of what Representative
21 Brown in her own argument has said is the best way to
22 reduce voter fraud. Prosecuting. And in Harris County
23 when they cracked down on voter fraud, they put an end to
24 it, by Representative Brown's own analysis.

25 I believe that's all you need to know. If

1 you think there is one voter, Representative Madden, who
2 might be unintentionally disenfranchised by this bill, one
3 law-abiding Texan -- and I will tell you, I'm Not sure it
4 if's 2 million. I'm not sure if it's 500,000. Maybe it's
5 5,000. If there are 5,000 Texans who will be turned away
6 from the polls who ought to be allowed to vote, then this
7 bill goes too far. If there is a way to secure the
8 integrity of elections without doing that, I urge you to
9 vote against the motion to table.

10 SPEAKER: Members, Mr. Strama sends up an
11 amendment. Ms. Brown moves to table. All those in favor
12 vote aye. Those opposed, vote no. It's a record vote.
13 Clerk will ring the bell. Show Ms. Brown voting aye,
14 Mr. Strama voting no. Have all voted? There being 75
15 ayes, 67 nays, two persons not voting, the Strama
16 amendment is tabled.

17 Members, if anyone would like to speak for
18 or against, come on down front. Hold on, members. Is
19 there anyone that would like to speak against?
20 Mr. Anchia. Members, if you're going to speak against,
21 you need to come down so that when we recognize -- so that
22 when we recognize Ms. Brown to close there's not a
23 problem.

24 Chair recognizes Mr. Anchia.

25 MR. ANCHIA: Members, I'm going to be

1 brief. It's been a long day. The debate has gone on
2 about six hours, and this is what we've learned. We have
3 learned that the authors of this bill have provided not
4 one shred of evidence of voter impersonation, which is the
5 type of voter fraud that this bill gets at. We have
6 learned that upwards of 2 million Texans may be
7 disenfranchised by this -- by this bill. We have learned
8 that the sense of this body is not to prosecute the
9 offenders and not to set up -- and devote resources to
10 engage in prosecuting voter impersonation.

11 So, let me tell you what I know it's not
12 about. This is clearly not about voter fraud. It's not
13 about voter impersonation. It's not about expanding the
14 franchise. It's not about protecting those that are least
15 vulnerable in our society, and it's not about making sure
16 that elections are more secure, and I'll tell you why.
17 I've been saving this wonderful nugget for you guys until
18 the end.

19 If you look at the list of documents that
20 you can offer up, it includes employee identification. No
21 matter how much training you do of poll workers, no matter
22 how much training you do of election judges and election
23 officials, it will be impossible for them to discern what
24 is a valid employment identification and what is an
25 invalid employment identification. Mr. Tolton probably

1 has an identification for his law firm. It would be
2 impossible for me to tell whether it was valid or invalid
3 or whether if (inaudible) face was on it was correct or
4 not. In fact, you can go down to Kinko's and have a bogus
5 little ID made and say you're an employee of whatever
6 organization you want to be for about \$5. In fact, this
7 bill, rather than increasing the integrity of elections,
8 makes sure that there's a huge loophole that you can drive
9 a train through to increase voter fraud if that was what
10 was crossing the mind of a particular person.

11 We know that there's no evidence of it, but
12 if this body wants to create an opportunity for voter
13 fraud, then vote for HB218. In fact, that Section 3 of
14 Part A of 218 creates a wonderful opportunity for people
15 at a low cost to be able to impersonate someone else by
16 saying that this is a valid employee ID and no poll
17 worker, no election worker, no election judge will be able
18 to discern a valid from an invalid ID. And furthermore,
19 there is another wonderful loophole in this bill that
20 creates a glaring weakness. It essentially allows vote by
21 mail to continue without photo identification. Vote by
22 mail that we know is the greatest source of voter fraud in
23 this state. In fact, all of the prosecutions by the
24 attorney general -- I shouldn't say all, but a great
25 majority occur with respect to vote by mail.

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1 So, ladies and gentlemen, you have a pig on
2 your hands. It's an ugly bill. It creates more of an
3 opportunity for voter fraud than current law, and I will
4 tell you that if you vote for this without any
5 commensurate enforcement like what was offered up in
6 Representative Strama's bill, you are voting for a pig
7 with no lipstick and it's going to be nasty.

8 So, I urge you members of this body to
9 please vote against the loopholes that this bill creates,
10 vote against the opportunities for voter fraud that this
11 creates, and vote against HB218.

12 SPEAKER: Chair recognizes Mr. Burnam.

13 MR. BURNAM: Thank you, Mr. Speaker,
14 members. I want to thank Mr. Anchia for the leadership
15 role he's taken both on the elections committee and today,
16 and I'm only going to add a few words from my hometown
17 daily paper, the Star Telegram today, the opening
18 paragraph. "An insidious scheme to turn back the clock of
19 voting rights in Texas tragically has once again made its
20 way to the state House floor. The architects of this idea
21 pitched as a noble effort to prevent voter fraud cannot be
22 allowed to succeed with what is surely one of the greatest
23 assaults on the right to vote in this state since passage
24 of the federal Voting Rights Act in 1965. Racism is
25 racism. Xenophobia is xenophobia. It's too bad that

1 we're going to see it enacted on the House floor again.

2 SPEAKER: Chair recognizes Mr. Veasey.

3 MR. VEASEY: Mr. Speaker, members, thank
4 you very much, and I'll be very brief. I want to start
5 off by thanking some of the folks that have helped bring
6 attention to this voter ID or what I call voter supression
7 bill. First of all, I would like to thank the Baptist
8 General Convention of Texas. They put out a flyer today
9 asking members to please oppose this bill, and I think
10 that's significant because during the Civil Rights
11 movement back when we were going through a lot of these
12 issues that we're facing today -- don't be mistaken about
13 it -- this is a Civil Rights issue that we are debating
14 today. But back during the 60s, the black ministers and
15 everyone else that marched for freedom, that marched for
16 voting rights, rarely did any of the white pastors from
17 the south join in. And the fact the Baptist General
18 Convention joined in, it shows that we're making some
19 progress in this country on racial harmony.

20 Unfortunately, this bill sets us back. We
21 have heard absolutely no evidence of any voter
22 impersonation today, absolutely none. I think that
23 Representative Strama and Representative Anchia pointed
24 that out very eloquently. All of the amendments and
25 everything that Ms. Brown has offered you today is asking

1 you to vote for this bill based on generalizations and
2 based on stereotypes and based on things that are untrue.
3 There have been absolutely not one shred of evidence, and
4 we're voting for this bill today. It makes absolutely no
5 sense, and especially in light of what's going on right
6 now with the attorney general in the State of Texas. They
7 were trying to force U.S. attorneys to say that there was
8 voting fraud going on in their respective districts, in
9 their respective states so they could produce convictions
10 that would prove voter impersonation. The panel -- the
11 U.S. panel that looked into this found none. They had to
12 help doctor some of the findings in order to make their
13 findings more compelling, and I think that if -- that
14 instead of 15 or 20 years from now because, you know, when
15 we look down the road, this is going to be embarrassing
16 that we even voted for this. People think that it's the
17 popular thing to do, but it's the wrong way that our state
18 is heading and I'm going to ask you -- and I know that the
19 amendments haven't been going favorably, but I'm going to
20 ask everybody here today to do the right thing and vote no
21 on this bill.

22 SPEAKER: Ms. Thompson, do you have a
23 question?

24 MS. THOMPSON: I request that all of the
25 comments, both pro and con, for House Bill 218 would be

1 reduced to writing and placed in the journal.

2 SPEAKER: Members, you've heard the motion.
3 Is there objection? Chair hears none. Mr. Castro? Chair
4 recognizes Mr. Castro.

5 MR. CASTRO: Mr. Speaker, members, the bill
6 that we have in front of us is a perversion of our
7 American democracy for several reasons. The first thing
8 is that it makes it too hard for honest people to go to
9 the polls and vote, and it makes it too easy for dishonest
10 people to cheat and find a way to vote. The list of
11 exceptions that are added to this bill, whether it's the
12 one that Ralph Anchia pointed out, valid ID from a
13 business, or even a student ID that could be falsified, a
14 bill sent to a home that could easily be falsified, all of
15 those additions actually make it easier for somebody to go
16 out and commit the kind of fraud that we're trying to
17 protect against today. And yet it's the people who are
18 actually honest who suffer. It's ironic that we heard
19 many of the arguments that we heard today. For instance,
20 when we talk about the second amendment and the right to
21 bear arms, we often hear the argument that we shouldn't
22 punish those who rightfully bear arms to go after the few
23 who would get those guns illegally anyway. That
24 philosophy predominates this legislature, but for some
25 reason that philosophy was missing in a discussion of this

1 bill today.

2 Earlier in the session, earlier today, I
3 handed out a listing of where Texas ranks as of 2002 in
4 terms of voter turnout. We're about five or six months
5 removed from our November races when everybody went out
6 and campaigned, knocked on doors, put up signs, worked the
7 polls on election day. You will remember the intensity
8 with which you tried to get people to vote. And all of
9 that effort, all of that energy, and in 2002 we ranked
10 second to last in the nation in the number of people who
11 come out to vote as compared to our voting age population.
12 There's no question today that this piece of legislation
13 will drive our numbers down even further and then in a few
14 years I wouldn't be surprised if we ranked dead last in
15 the nation in voter turnout. We rank second in terms of
16 population in the United States, second only to
17 California. We rank fourth in voter turnout behind the
18 states of New York and Florida.

19 We also heard a lot about fiscal notes.
20 We're passing this bill despite the fact that it has a
21 fiscal note. We defeated amendments because they had
22 fiscal notes. And although money is one way to measure
23 loss and a very popular one, it's not the only way and I
24 can't help but think that there is a democracy note here
25 and that the cost to our democracy is even greater than

1 the fiscal cost to our state.

2 SPEAKER: Is there anyone else that is
3 would like to speak against? The chair recognizes
4 Mr. Macias.

5 MR. MACIAS: Thank you, Mr. Speaker and
6 members. First, I would like to thank Representative
7 Brown for bringing this bill to the floor. Could the
8 reason be that we don't have the ongoing voter
9 impersonation investigation be that we don't have a system
10 that requires voter identity verification? I believe
11 House Bill 218 will be that tool that detects and deters
12 voter impersonation. But even more than that, it will --
13 it will preserve and protect our most basic right to vote
14 and give us the confidence that those who turn out to vote
15 are, in fact, qualified voters.

16 The goal of the bill is to bring the
17 highest integrity possible to our most precious and basic
18 right to vote, and I just encourage us to vote yes on this
19 bill.

20 SPEAKER: Is there anyone else? Chair
21 recognizes Ms. Brown to close.

22 MS. BROWN: Thank you, Mr. Speaker,
23 members. Thank you for staying with us all afternoon and
24 into the evening, and thank you for all of you who
25 believed in this bill and helped with it, to improve it,

1 especially to former Representative Mary Denny who paved
2 the way for us last session. I am not going to waste a
3 lot of your time because I think we've all made up our
4 minds if we're going to support this bill or not, but I
5 will remind you that there's been a lot of accusations or
6 I should say claims made about it that I believe in my
7 heart are not true. The Supreme Court has upheld the fact
8 that this is not a poll tax that we are instituting by
9 requiring the people, that they merely prove who they say
10 they are when they come in to vote. And I think all that
11 needs to be said now is just to close with a statement
12 from the U.S. Supreme Court.

13 SPEAKER: Mr. Dunnam, for what purpose?

14 MR. DUNNAM: Will the lady yield for
15 questions?

16 SPEAKER: Ms. Brown, do you yield?

17 MS. BROWN: I really think that we have
18 questioned all afternoon and everyone has decided how they
19 are going to vote.

20 MR. DUNNAM: I just have one question.
21 You're the author of the bill. I would like to ask one
22 bill.

23 MS. BROWN: All right. I yield.

24 MR. DUNNAM: Under your bill without my
25 voter registration card but with five photo IDs, will my

1 vote count? Without my voter registration card but with
2 five photo IDs, will I get to vote?

3 MS. BROWN: One photo ID will be entirely
4 sufficient, so long as you are on the voter registration
5 roll.

6 MR. DUNNAM: Are you saying that if I have
7 my photo -- if I do not have my voter registration card
8 that I don't get a provisional ballot?

9 MS. BROWN: You do get a provisional
10 ballot.

11 MR. DUNNAM: So, if I show up without a
12 voter registration card but with five government photo
13 IDs, I will get a provisional ballot?

14 MS. BROWN: You will have a provisional
15 ballot because you need to bring your voter registration
16 card with you.

17 MR. DUNNAM: And my vote won't count?

18 MS. BROWN: It will be a provisional
19 ballot. Let me just read this one quote from the U.S.
20 Supreme Court decision. "Recognize the merits of photo
21 identification for voting. In removing an injunction
22 against Arizona's photo identification law, the U.S.
23 Supreme Court pro-curium opinion reads: Confidence in the
24 integrity of our electoral processes is essential to the
25 functioning of our participatory democracy. Voter fraud

1 drives honest citizens out of the Democratic process and
2 breeds distrust of our government. Voters who fear their
3 legitimate votes will be outweighed by fraudulent ones
4 will feel disenfranchised."

5 So, members, we want to increase the
6 integrity of the process and thereby increase voters'
7 confidence in the integrity of the process and there will
8 be more participation. Thank you, members. I move
9 passage.

10 SPEAKER: Members, the question occurs on
11 the passage engrossment of House Bill 218 vote no. All
12 those in favor vote aye. All opposed, vote no. It's a
13 record vote. The clerk will ring the bell. Show
14 Ms. Brown voting aye. Members, Mr. (inaudible) who is
15 present would vote -- would vote yes, with Mr. (inaudible)
16 absent would vote no. And show Mr. Kirk England who is
17 present and would vote yes with Mr. Puente, who is absent
18 voting no. Have all voted? There being 76 ayes, 68 nays,
19 three present not voting, House Bill 218 has passed
20 engrossment.

21 (End of session.)
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HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTIETH DAY — MONDAY, APRIL 23, 2007

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 590).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Absent, Excused — King, S.; Moreno.

The invocation was offered by Steve Doles, director, Pray Lubbock, as follows:

Our Heavenly Father, your servant, Moses, not only brought law and order to his people, but provided the foundation upon which laws are established today. May each member of the house breathe in a fresh sense of divinely ordained duty and their stamina renewed as they consider legislation regarding the affairs of our state. May their noble work bring forth laws which will protect our freedoms, enhance life for individuals, and insure rule and order in our society.

We thank you that you have created the men and women in this room with passion about their opinions on appropriate governing policy. I pray that you will endow these representatives, whether on the debate floor or in the committee room, with self-control and honorable statesmanship equal to their passion allowing true corporate wisdom to prevail in this 80th Legislature.

Where there is misunderstanding, bring order and clarity; where there is inclination toward vindictiveness, soften reactions with mature responses; where there is adherence to insignificant matters, bring wisdom that keeps perspective; where compromise would lead to deterioration of our society, bring resolve to stand firm; where compromise would lead to good policy, bring willingness to concede.

Bless this chamber with wisdom to discern good from evil, and courage to stand for good; grant wisdom to distinguish short-term from long-term benefits and conviction to stand for that which will last; fill this chamber with wisdom to discern the founding principles that have made this state great and conviction to hold fast to those moorings even when they conflict with popular opinion. May these legislators have the hallmark of diligently sifting through stacks of good ideas and passing only the best and necessary pieces of legislation.

Lord, we are thankful to live in the State of Texas and for the spiritual heritage of the people of this land. By our conduct, may we continue to seek the God of our fathers, and thereby make laws consistent with the spiritual and historic stature of Texas, so blessed by you.

Almighty God, we pray that you will continue to bless the efforts of the Texas House of Representatives and the citizens which these members represent. In Jesus' name I pray. Amen.

The speaker recognized Representative Isett who led the house in the pledges of allegiance to the United States and Texas flags.

CAPITOL PHYSICIAN

The speaker recognized Representative D. Howard who presented Drs. John and Judith Egerton of Austin as the "Doctors for the Day."

The house welcomed Drs. Egerton and thanked them for their participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of illness:

Moreno on motion of Escobar.

The following member was granted leave of absence temporarily for today because of important business:

S. King on motion of Anderson.

HR 615 - ADOPTED**(by Madden, Paxton, Laubenberg, and Hartnett)**

Representative Madden moved to suspend all necessary rules to take up and consider at this time **HR 615**.

The motion prevailed.

The following resolution was laid before the house:

HR 615, Congratulating Shilah Phillips on being named first runner-up to Miss America.

HR 615 was read and was adopted.

INTRODUCTION OF GUESTS

The speaker recognized Representatives Madden and Hughes who introduced Miss Texas Shilah Phillips and contestants from the Miss Texas pageant.

HR 1629 - ADOPTED**(by Craddick)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 1629**.

The motion prevailed.

The following resolution was laid before the house:

HR 1629, Congratulating Chelsea Schwartz of Garden City on being crowned Miss West Texas 2007.

HR 1629 was read and was adopted.

On motion of Representative Zedler, the names of all the members of the house were added to **HR 1629** as signers thereof.

INTRODUCTION OF GUEST

The speaker recognized Representative Hughes who introduced Miss West Texas Chelsea Schwartz.

(W. Smith in the chair)

HR 1630 - ADOPTED**(by Hughes)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 1630**.

The motion prevailed.

The following resolution was laid before the house:

HR 1630, Honoring Debra Kay Lowe Leibowitz on being named Teacher of the Year by the Mineola Area Chamber of Commerce.

HR 1630 was read and was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Hughes who introduced Debra Leibowitz and members of her family.

HR 1532 - ADOPTED (by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1532**.

The motion prevailed.

The following resolution was laid before the house:

HR 1532, Commemorating the 112th anniversary of Greater Mt. Zion Missionary Baptist Church in Houston.

HR 1532 was adopted.

HR 1525 - ADOPTED (by Dutton)

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 1525**.

The motion prevailed.

The following resolution was laid before the house:

HR 1525, Commemorating the 39th annual convention of the National Black Presbyterian Caucus.

HR 1525 was adopted.

HR 107 - ADOPTED (by Gallego)

Representative Gallego moved to suspend all necessary rules to take up and consider at this time **HR 107**.

The motion prevailed.

The following resolution was laid before the house:

HR 107, Honoring Culberson County Judge John Conoly on his retirement from public office.

HR 107 was read and was adopted.

On motion of Representative Hochberg, the names of all the members of the house were added to **HR 107** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Gallego who introduced the Honorable John Conoly and members of his family.

HB 2656 - RECOMMITTED

Representative Swinford moved to recommit **HB 2656** to the Committee on State Affairs.

The motion prevailed.

(S. King now present)

HR 13 - READ

(by Callegari)

The chair laid out and had read the following previously adopted resolution:

HR 13, In memory of Gay Susan Chandler Mechler of Spring.

(Geren in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative Callegari who introduced family members of Gay Susan Chandler Mechler.

HB 2283 - RECOMMITTED

Representative W. Smith moved to recommit **HB 2283** to the Committee on County Affairs.

The motion prevailed.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSSB 740 ON SECOND READING

(Driver, Latham, et al. - House Sponsors)

CSSB 740, A bill to be entitled An Act relating to personnel records of commissioned officers of the Department of Public Safety of the State of Texas.

CSSB 740 was considered in lieu of **CSHB 1422**.

CSSB 740 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1422 - LAID ON THE TABLE SUBJECT TO CALL

Representative Driver moved to lay **CSHB 1422** on the table subject to call.

The motion prevailed.

SB 657 ON SECOND READING

(Puente - House Sponsor)

SB 657, A bill to be entitled An Act relating to the threshold amount at which certain water districts are required to solicit competitive bids before awarding certain contracts and to the ability of such districts to enter those contracts.

SB 657 was considered in lieu of **CSHB 1033**.

SB 657 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1033 - LAID ON THE TABLE SUBJECT TO CALL

Representative Puente moved to lay **CSHB 1033** on the table subject to call. The motion prevailed.

HB 1623 ON THIRD READING
(by Phillips)

HB 1623, A bill to be entitled An Act relating to certain penalties and fees imposed for operating a motor vehicle or vessel in violation of law.

HB 1623 was read third time on April 19 and failed to pass. The vote was reconsidered on April 19, and **HB 1623** was postponed until 10 a.m. today.

Amendment No. 1

Representative Phillips offered the following amendment to **HB 1623**:

Amend **HB 1623** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 502.404, Transportation Code, is amended by adding Subsections (f) and (g) to read as follows:

(f) A court may dismiss a charge brought under Subsection (a) if the defendant:

(1) remedies the defect before the defendant's first court appearance;
and

(2) pays an administrative fee not to exceed \$10.

(g) A court may dismiss a charge brought under Subsection (b) if the defendant:

(1) shows that:

(A) the passenger car or commercial motor vehicle was issued a registration insignia by the department that establishes that the vehicle was registered for the period during which the offense was committed; and

(B) the registration insignia described in Paragraph (A) was attached to the passenger car or commercial motor vehicle before the defendant's first court appearance; and

(2) pays an administrative fee not to exceed \$10.

SECTION 2. Section 502.409, Transportation Code, is amended by adding Subsection (c) to read as follows:

(c) A court may dismiss a charge brought under Subsection (a)(3), (5), (6), or (7) if the defendant:

(1) remedies the defect before the defendant's first court appearance;
and

(2) pays an administrative fee not to exceed \$10.

SECTION 3. Section 521.025, Transportation Code, is amended by adding Subsection (f) to read as follows:

(f) The court may assess a defendant an administrative fee not to exceed \$10 if a charge under this section is dismissed because of the defense listed under Subsection (d).

SECTION 4. Section 521.054, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) A court may dismiss a charge for a violation of this section if the defendant:

(1) remedies the defect not later than the 10th working day after the date of the offense; and

(2) pays an administrative fee not to exceed \$10.

SECTION 5. Section 521.221, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) A court may dismiss a charge for a violation of this section if:

(1) the restriction or endorsement was imposed:

(A) because of a physical condition that was surgically or otherwise medically corrected before the date of the offense; or

(B) in error and that fact is established by the defendant;

(2) the department removes the restriction or endorsement before the defendant's first court appearance; and

(3) the defendant pays an administrative fee not to exceed \$10.

SECTION 6. Section 547.004, Transportation Code, is amended by adding Subsections (c) and (d) to read as follows:

(c) A court may dismiss a charge brought under this section if the defendant:

(1) remedies the defect before the defendant's first court appearance; and

(2) pays an administrative fee not to exceed \$10.

(d) Subsection (c) does not apply to an offense involving a commercial motor vehicle.

SECTION 7. Section 31.127, Parks and Wildlife Code, is amended by amending Subsection (c) and adding Subsection (f) to read as follows:

(c) Except as provided by Subsection (f), a ~~A~~ person who operates a vessel in violation of Section 31.021(b) or 31.095 commits an offense punishable by a fine of not less than \$100 or more than \$500.

(f) A court may dismiss a charge of operating a vessel with an expired certificate of number under Section 31.021 if:

(1) the defendant remedies the defect not later than the 10th working day after the date of the offense and pays an administrative fee not to exceed \$10; and

(2) the certificate of number has not been expired for more than 60 days.

SECTION 8. (a) The changes in law made by this Act apply only to an offense committed on or after the effective date of this Act. For the purposes of this section, an offense is committed before the effective date of this Act if any element of the offense occurs before that date.

(b) An offense committed before the effective date of this Act is governed by the law in effect when the offense was committed, and the former law is continued in effect for that purpose.

SECTION 9. This Act takes effect September 1, 2007.

Amendment No. 1 was adopted.

A record vote was requested.

HB 1623, as amended, was passed by (Record 591): 140 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberger; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Present, not voting — Mr. Speaker; Geren(C).

Absent, Excused — Moreno.

Absent — Crabb; King, T.; Murphy; Pierson; Riddle; Vaught; Zerwas.

CSHB 331 ON SECOND READING

(by Harper-Brown, Escobar, Corte, Flynn, Aycock, et al.)

CSHB 331, A bill to be entitled An Act relating to the use in an advertisement of a name or picture of a member of the United States armed forces or the national guard; providing a criminal penalty.

CSHB 331 was read second time on April 16 and was postponed until 10 a.m. today.

Representative Harper-Brown moved to postpone consideration of **CSHB 331** until the end of today's calendar.

The motion prevailed.

CSHB 83 ON SECOND READING
(by Branch, Dutton, Goolsby, Rose, et al.)

CSHB 83, A bill to be entitled An Act relating to requiring a record vote by each house of the legislature on final passage of a bill, resolution to propose or ratify a constitutional amendment, or other nonceremonial resolution and to public notice of the record vote.

CSHB 83 was read second time on April 17 and was postponed until 10 a.m. today.

Representative Branch moved to postpone consideration of **CSHB 83** until 10 a.m. Monday, April 30.

The motion prevailed.

HB 443 ON SECOND READING
(by Phillips)

HB 443, A bill to be entitled An Act relating to the consent to and annulment of certain marriages.

HB 443 was read second time on April 11, postponed until April 18, and was again postponed until 10 a.m. today.

Representative Phillips moved to postpone consideration of **HB 443** until 10 a.m. Wednesday, April 25.

The motion prevailed.

(Speaker in the chair)

CSHB 2814 ON SECOND READING
(by Eissler, Oliveira, et al.)

CSHB 2814, A bill to be entitled An Act relating to a language immersion pilot project in certain school districts.

CSHB 2814 was read second time on April 18 and was postponed until 10 a.m. today.

Representative Eissler moved to postpone consideration of **CSHB 2814** until the end of today's calendar.

The motion prevailed.

HB 2136 ON SECOND READING
(by Hancock, et al.)

HB 2136, A bill to be entitled An Act relating to public disclosure of student referrals for services made by counselors in public schools.

HB 2136 was read second time on April 19 and failed to pass to engrossment. The vote was reconsidered on April 19, and **HB 2136** was postponed until 10 a.m. today.

Amendment No. 1

Representatives Hilderbran and Hopson offered the following amendment to **HB 2136**:

Amend **HB 2136** on page 1, line 7, between "school district" and "that", by inserting "with an enrollment of more than 5,500 students".

(Woolley in the chair)

Amendment No. 1 was adopted.

(Speaker in the chair)

A record vote was requested.

The vote of the house was taken on the passage to engrossment of **HB 2136** and the vote was announced yeas 73, nays 73.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Flores on motion of Martinez Fischer.

HB 2136 - (consideration continued)

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 592): 74 Yeas, 69 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Haggerty; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hamilton; Hernandez; Herrero; Hodge; Hodge; Homer; Hopson; Howard, D.; Jones; King, S.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Straus; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno.

Absent — Bailey; Escobar; Harless; Peña.

The speaker stated that **HB 2136**, as amended, was passed to engrossment by the above vote.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Peña on motion of Guillen.

MAJOR STATE CALENDAR HOUSE BILLS THIRD READING

The following bills were laid before the house and read third time:

HB 2427 ON THIRD READING (by Truitt, B. Cook, McClendon, Kolkhorst, and Flynn)

HB 2427, A bill to be entitled An Act relating to the continuation and functions of the Teacher Retirement System of Texas; providing penalties.

A record vote was requested.

HB 2427 was passed by (Record 593): 135 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Alonzo; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Allen; Anchia; Bailey; Corte; Escobar; Gallego; Hochberg; Madden; Solomons; Strama; Zedler.

STATEMENTS OF VOTE

When Record No. 593 was taken, my vote failed to register. I would have voted yes.

Allen

When Record No. 593 was taken, I was in the house but away from my desk. I would have voted yes.

Anchia

When Record No. 593 was taken, I was in the house but away from my desk. I would have voted yes.

Corte

When Record No. 593 was taken, I was in the house but away from my desk. I would have voted yes.

Madden

When Record No. 593 was taken, my vote failed to register. I would have voted yes.

Solomons

When Record No. 593 was taken, I was in the house but away from my desk. I would have voted yes.

Strama

When Record No. 593 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business in the district:

Bailey on motion of Hughes.

HB 2458 ON THIRD READING

(by B. Cook, Truitt, McClendon, Kolkhorst, et al.)

HB 2458, A bill to be entitled An Act relating to the licensing and regulation of structural pest control by the Department of Agriculture and the abolition of the Texas Structural Pest Control Board.

A record vote was requested.

HB 2458 was passed by (Record 594): 137 Yeas, 2 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver;

Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler.

Nays — Garcia; Phillips.

Present, not voting — Mr. Speaker(C); Zerwas.

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Alonzo; Escobar; Gallego; Hochberg; McClendon.

STATEMENT OF VOTE

When Record No. 594 was taken, I was in the house but away from my desk. I would have voted yes.

McClendon

HB 1373 ON THIRD READING (by Guillen)

HB 1373, A bill to be entitled An Act relating to creating the Chronic Kidney Disease Task Force.

A record vote was requested.

HB 1373 was passed by (Record 595): 139 Yeas, 0 Nays, 2 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts;

Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C); Oliveira.

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Alonzo; Escobar; Hochberg; Hughes; Talton.

STATEMENT OF VOTE

When Record No. 595 was taken, I was in the house but away from my desk. I would have voted yes.

Talton

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

The following bills were laid before the house and read third time:

SB 679 ON THIRD READING (Woolley - House Sponsor)

SB 679, A bill to be entitled An Act relating to the use of certain surplus revenue in the unemployment compensation fund.

A record vote was requested.

SB 679 was passed by (Record 596): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycok; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Cohen; Coleman; Escobar; Gallego.

**GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

**HB 1667 ON THIRD READING
(by Geren)**

HB 1667, A bill to be entitled An Act relating to the amount of the fee for issuing certain alcoholic beverage permits.

Amendment No. 1

Representative Geren offered the following amendment to **HB 1667**:

Amend on third reading **HB 1667**, as it was amended on second reading by the Geren Amendment and the Hernandez amendment, as follows:

(1) Strike the language added by the Hernandez amendment.

(2) In SECTION 1 of the bill as amended by the Geren amendment, in amended Section 25.02(a), Alcoholic Beverage Code, strike "Subsection (b)" and substitute "Subsections (b) and (c) [~~Subsection (b)~~]".

(3) In SECTION 1 of the bill as amended by the Geren amendment, in amended Section 25.02, Alcoholic Beverage Code, insert a new Subsection (c) to read as follows:

(c) The annual state fee for an original wine and beer retailer's permit issued to a fraternal organization or a veterans organization, as those terms are defined by Section 32.11, is \$175. The annual state fee for a renewal of a wine and beer retailer's permit issued to a fraternal organization or a veterans organization is \$175.

(4) In SECTION 2 of the bill as amended by the Geren amendment, in amended Section 69.02(a), Alcoholic Beverage Code, strike "Subsection (b)" and substitute "Subsections (b) and (c) [~~Subsection (b)~~]".

(5) In SECTION 2 of the bill as amended by the Geren amendment, in amended Section 69.02, Alcoholic Beverage Code, insert a new Subsection (c) to read as follows:

(c) The annual state fee for an original retail dealer's on-premise license issued to a fraternal organization or a veterans organization, as those terms are defined by Section 32.11, is \$150. The annual state fee for a renewal of a retail dealer's on-premise license issued to a fraternal organization or a veterans organization is \$150.

Amendment No. 1 was adopted.

A record vote was requested.

HB 1667, as amended, was passed by (Record 597): 141 Yeas, 0 Nays, 3 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenber; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C); Hartnett; Naishtat.

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Bohac; Escobar.

HB 1022 ON THIRD READING

(by Hilderbran, Keffer, Otto, Martinez Fischer, R. Cook, et al.)

HB 1022, A bill to be entitled An Act relating to the exemption from ad valorem taxation of a motor vehicle owned by an individual and used in the course of the owner's occupation or profession and also for personal activities of the owner and to the rendition of such vehicles.

A record vote was requested.

HB 1022 was passed by (Record 598): 142 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenber; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo;

Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Bohac; Burnam; Escobar.

HB 589 ON THIRD READING
(by Aycock, Delisi, Miller, Corte, et al.)

HB 589, A bill to be entitled An Act relating to the student enrollment required for Texas A&M University–Central Texas to operate as a general academic teaching institution.

A record vote was requested.

HB 589 was passed by (Record 599): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Driver; Escobar.

HB 1668 ON THIRD READING
(by Aycock and Delisi)

HB 1668, A bill to be entitled An Act relating to the issuance of revenue bonds to fund facilities at Texas A&M University–Central Texas.

A record vote was requested.

HB 1668 was passed by (Record 600): 143 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Coleman; Escobar.

HB 2400 ON THIRD READING
(by Keffer)

HB 2400, A bill to be entitled An Act relating to membership in, contributions to, benefits from, and administration of the Texas Emergency Services Retirement System.

A record vote was requested.

HB 2400 was passed by (Record 601): 140 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez;

Martinez Fischer; McCall; McClendon; Menendez; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Alonzo; Coleman; Escobar; McReynolds; Merritt.

HB 1962 ON THIRD READING

(by Orr)

HB 1962, A bill to be entitled An Act relating to the application of the Business Organizations Code to certain financial institutions and the regulation of those institutions by the Texas Department of Banking.

A record vote was requested.

HB 1962 was passed by (Record 602): 141 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Farabee; Farias; Farrar; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Bailey; Flores; Moreno; Peña.

Absent — Cook, R.; Dutton; Escobar; Swinford.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Environmental Regulation, upon lunch recess today, Desk 1, for a formal meeting, to consider pending business.

Agriculture and Livestock, upon lunch recess today, Desk 119, for a formal meeting, to consider pending business.

Public Health, upon lunch recess today, Desk 58, for a formal meeting, to consider pending business.

Culture, Recreation, and Tourism, upon lunch recess today, Desk 66, for a formal meeting, to consider pending business.

RECESS

At 11:56 a.m., the speaker announced that the house would stand recessed until 1 p.m. today.

AFTERNOON SESSION

The house met at 1 p.m. and was called to order by the speaker.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 24).

MAJOR STATE CALENDAR SENATE BILLS SECOND READING

The following bills were laid before the house and read second time:

SB 904 ON SECOND READING (Truitt - House Sponsor)

SB 904, A bill to be entitled An Act relating to the continuation and functions of the Texas Alcoholic Beverage Commission; providing penalties.

SB 904 - POINT OF ORDER

Representative Talton raised a point of order against further consideration of **SB 904** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker sustained the point of order.

SB 904 was returned to the Committee on Licensing and Administrative Procedures.

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

HB 218 ON SECOND READING (by B. Brown, Berman, Bohac, Riddle, et al.)

HB 218, A bill to be entitled An Act relating to requiring a voter to present proof of identification.

(P. King in the chair)

(Bailey now present)

Representative Anchia moved to extend speaking time on **HB 218**.

A record vote was requested.

The motion to extend time prevailed by (Record 603): 91 Yeas, 46 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Bolton; Bonnen; Branch; Brown, F.; Burnam; Castro; Chavez; Cohen; Coleman; Cook, B.; Cook, R.; Creighton; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; England; Escobar; Farabee; Farrar; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, S.; King, T.; Kolkhorst; Kuempel; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Menendez; Miles; Mowery; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Otto; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Strama; Straus; Swinford; Talton; Thompson; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo.

Nays — Anderson; Aycock; Berman; Bohac; Brown, B.; Callegari; Chisum; Christian; Corte; Crabb; Crownover; Darby; Eissler; Elkins; Farias; Flynn; Hamilton; Hancock; Harless; Harper-Brown; Hilderbran; Howard, C.; Isett; Jackson; Krusee; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Murphy; Parker; Patrick; Paxton; Phillips; Riddle; Smith, W.; Smithee; Taylor; Truitt; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker; King, P.(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Eiland; Hughes; Keffer; McClendon; Merritt; O'Day; Orr; Pierson.

HR 1413 - ADOPTED (by Laubenberg)

Representative Laubenberg moved to suspend all necessary rules to take up and consider at this time **HR 1413**.

The motion prevailed.

The following resolution was laid before the house:

HR 1413, Honoring the Lady Yellowjackets basketball team of Rockwall High School for winning the Class 5A state championship for 2007.

HR 1413 was read and was adopted.

On motion of Representative Latham, the names of all the members of the house were added to **HR 1413** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Laubenberg who introduced players and coaches of the Rockwall High School Lady Yellowjackets basketball team.

HB 218 - (consideration continued)

Amendment No. 1

Representative B. Brown offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) On page 1, lines 5-6, strike "Subsection (g)" and substitute "Subsections (g) and (h)".

(2) On page 2, between lines 2 and 3, add a new Subsection (h) to read as follows:

(h) The requirements for identification prescribed by Subsection (b)(1) or (2) do not apply to a voter who:

(1) presents the voter's voter registration certificate on offering to vote;
and

(2) is 80 years of age or older as indicated by the date of birth on the voter's voter registration certificate.

Amendment No. 2

Representative Dunnam offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Betty Brown to **HB 218** on page 1, line 10 by striking "80" and substituting "65".

Representative B. Brown moved to table Amendment No. 2.

(Speaker in the chair)

A record vote was requested.

The vote of the house was taken on the motion to table Amendment No. 2 and the vote was announced yeas 71, nays 68.

A verification of the vote was requested and was granted.

The roll of those voting yea and nay was again called and the verified vote resulted, as follows (Record 604): 73 Yeas, 72 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Krusee; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Jones.

The speaker stated that the motion to table prevailed by the above vote.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 25).

(Bonnen in the chair)

HR 1529 - READ (by Goolsby and Truitt)

The chair laid out and had read the following previously adopted resolution:

HR 1529, Honoring Kenneth A. Ardoin for his years of service to Pfizer.

INTRODUCTION OF GUESTS

The chair recognized Representative Goolsby who introduced Kenneth A. Ardoin and members of his family.

HB 218 - (consideration continued)

Amendment No. 3

Representative Leibowitz offered the following amendment to Amendment No. 1:

Amend Amendment No. 1 by Betty Brown to **HB 218** on page 1, line 10 by striking "80" and substituting "75".

(Speaker in the chair)

Representative B. Brown moved to table Amendment No. 3.

A record vote was requested.

The motion to table prevailed by (Record 605): 73 Yeas, 69 Nays, 1 Present, not voting.

Yeas — Anderson; Ayccock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby;

Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, W.; Smith; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Strama; Thompson; Turner; Vaught; Veasey; Villarreal.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Darby; King, S.; Quintanilla; Vo.

STATEMENT OF VOTE

When Record No. 605 was taken, I was temporarily out of the house chamber. I would have voted no.

Quintanilla

Amendment No. 1 was adopted.

Amendment No. 4

Representative B. Brown offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) On page 4, line 13, strike "or".

(2) On page 4, line 15, strike the period and substitute the following:

; or

(8) a valid identification card that contains the person's photograph and is issued by:

(A) an agency or institution of the federal government; or

(B) an agency, institution, or political subdivision of this state.

Amendment No. 4 was adopted.

Amendment No. 5

Representative B. Brown offered the following amendment to **HB 218**:

Amend **HB 218** on page 6, lines 11-12, by striking "executes an affidavit stating" and substituting "states".

Amendment No. 5 was adopted.

Amendment No. 6

Representative Anchia offered the following amendment to **HB 218**:

SECTION 6. Section 16.036(c), Election Code, is amended to read as follows:

(c) The notice must include:

- (1) the date of cancellation;
- (2) the reason for cancellation; and
- (3) a brief explanation of the voter's right to challenge the cancellation and to appeal the ~~[registrar's]~~ decision of the registrar or secretary of state.

SECTION _____. Section 62.113(b), Government Code, is amended to read as follows:

(b) On the third business day of each month, the clerk shall send a copy of the list of persons excused or disqualified because of citizenship in the previous month to the secretary of state ~~[voter registrar of the county]~~.

Amendment No. 6 was withdrawn.

Amendment No. 7

Representative Turner offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) On page 1, lines 5 and 6, strike "Subsection (g)" and substitute "Subsections (g) and (h)".

(2) On page 1, line 9, strike "and either" and substitute "and, except as provided by Subsection (h), either".

(3) On page 2, between lines 2 and 3, insert the following:

(h) A voter who first registered to vote in this state before September 1, 2007, who presents the voter's voter registration certificate is not required to present the additional forms of identification described in Subsection (b)(1) or (2).

Representative Villarreal moved to extend speaking time on **HB 218**.

A record vote was requested.

The motion to extend time prevailed by (Record 606): 80 Yeas, 54 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Bailey; Bolton; Bonnen; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hartnett; Heflin; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Kolkhorst; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Menendez; Merritt; Miles; Naishtat; O'Day; Olivo; Ortiz; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Solomons; Strama; Straus; Swinford; Talton; Thompson; Vaught; Veasey; Villarreal; Vo.

Nays — Anderson; Aycock; Berman; Bohac; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Driver; Eissler; Elkins; Flynn; Garcia; Hancock; Hardcastle; Harless; Harper-Brown; Hilderbran; Hughes; Isett; Jackson; Keffer; King, P.; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Miller; Morrison; Murphy; Noriega; Oliveira; Orr; Otto; Patrick; Paxton; Phillips; Riddle; Smithee; Taylor; Van Arsdale; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Branch; Haggerty; Hamilton; Howard, C.; Jones; King, S.; McReynolds; Mowery; Parker; Smith, W.; Truitt; Turner.

Representative Madden moved to table Amendment No. 7.

A record vote was requested.

The motion to table prevailed by (Record 607): 75 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Farabee; Flynn; Gattis; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Brown, F.; Burnam; Castro; Chavez; Coleman; Cook, R.; Crownover; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Morrison; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Cohen; Deshotel; King, S.

Amendment No. 8

Representative Anchia offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) On page 1, lines 4 through 6, strike the text and substitute the following:

SECTION 1. Sections 63.001(c) and (f), Election Code, are amended to read as follows:

- (2) On page 1, strike lines 7 through 13.
- (3) On page 1, strike lines 18 through 20.
- (4) On page 1, strike line 24.
- (5) On page 2, strike lines 1 through 27.
- (6) On page 3, strike lines 1 through 2.
- (7) On page 3, line 12, strike "from the proof presented" and substitute the

following:

by either:

- (1) one form of identification listed in Section 63.0101(a); or
- (2) two different forms of identification listed in Section 63.0101(b)
- (8) On page 5, strike lines 20 through 27.

(9) Add the following appropriately numbered SECTIONS to the bill and renumber the remaining SECTIONS of the bill accordingly:

SECTION _____. Section 16.0332, Election Code, is amended to read as follows:

Sec. 16.0332. CANCELLATION BECAUSE OF CITIZENSHIP STATUS.

(a) After the secretary of state ~~[registrar]~~ receives a list under Section 62.113, Government Code, of persons excused or disqualified from jury service because of citizenship status, the secretary of state ~~[registrar]~~ shall deliver to each registered voter whose name appears on the list a written notice requiring the voter to submit to the ~~[registrar proof of United States citizenship in the form of a certified copy of the voter's birth certificate, United States passport, or certificate of naturalization or any other form prescribed by the]~~ secretary of state a statement that the voter is a citizen of the United States. The notice shall be delivered by forwardable mail to the mailing address on the voter's registration application and to any new address of the voter known to the secretary of state ~~[registrar]~~. The notice must state:

- (1) that the voter's registration will be cancelled unless the statement is received before the 60th day after the date the notice is mailed; and
- (2) the penalty for knowingly making a false statement on a registration application under Section 13.007.

(b) If a voter fails to submit to the secretary of state ~~[registrar]~~ proof of citizenship on or before the 60th ~~[30th]~~ day after the date the notice is mailed, the secretary of state ~~[registrar]~~ shall cancel the voter's registration.

(c) ~~The secretary of state shall send to the registrar [shall retain a copy of the] notice of the cancellation [mailed to a voter] under this section [on file with the voter's registration application. The registrar shall also retain any proof of citizenship received under this section on file with the application].~~

(d) For purposes of cancellation of a voter's registration under this section, the secretary of state has the authority and duties of a voter registrar, except that the voter registrar retains the duties to:

- (1) notify a voter of the cancellation as provided by Section 16.036;
- and
- (2) hear a challenge to the cancellation as provided by Subchapter C.

SECTION _____. Section 16.036(c), Election Code, is amended to read as follows:

(c) The notice must include:

- (1) the date of cancellation;
- (2) the reason for cancellation; and
- (3) a brief explanation of the voter's right to challenge the cancellation and to appeal the ~~registrar's~~ decision of the registrar or secretary of state.

SECTION _____. Section 62.113(b), Government Code, is amended to read as follows:

(b) On the third business day of each month, the clerk shall send a copy of the list of persons excused or disqualified because of citizenship in the previous month to the secretary of state ~~[voter registrar of the county]~~.

Amendment No. 8 - Point of Order

Representative Corte raised a point of order against further consideration of Amendment No. 8 under Rule 11, Section 3 of the House Rules and Article III, Section 35 of the Texas Constitution on the grounds that the amendment would change the original purpose of the bill.

The speaker sustained the point of order.

The ruling precluded further consideration of Amendment No. 8.

Amendment No. 9

Representative Leibowitz offered the following amendment to **HB 218**:

Amend **HB 218** (House Committee Printing) as follows:

(1) On page 1, lines 5 and 6, strike "Subsection (g)" and substitute "Subsections (g) and (h)".

(2) On page 2, between lines 2 and 3, insert the following:

(h) Notwithstanding Subsection (b), (c), (d), or (g), a voter shall be accepted for voting after presenting a voter registration certificate or one form of identification listed in Section 63.0101 if:

(1) the voter's name on the registration certificate or form of identification is on the list of registered voters for the precinct;

(2) the precinct is located in a county that the governor proclaimed to be in a state of disaster under Section 418.014, Government Code, due to a weather-related event; and

(3) the date of the election is before the first anniversary of the date the state of disaster expires.

(Hamilton in the chair)

AMENDMENT NO. 9 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE B. BROWN: Mr. Leibowitz, your amendment is dealing with future disasters.

REPRESENTATIVE LEIBOWITZ: Yes, ma'am.

B. BROWN: We hope we never have one, but chances are something would happen, and in that case, and you don't have in mind a drought?

LEIBOWITZ: No.

B. BROWN: Or anything that would not interfere with a person's normal activity, so that they couldn't—so that they'd still have access to their ID, their records, their papers, and so on. So you're talking about a severe natural disaster that would disrupt daily life to the point that someone would not have access to their records, is that correct?

LEIBOWITZ: Yes, ma'am, that's correct, and if Rita had hit Houston head-on, and there had been significant devastation, all this says is that from after the state of disaster expires, the proclamation by the governor, from a year from that date of the expiration of the proclamation of disaster forward, that if someone cannot present the two IDs, then they're still going to be allowed to vote.

B. BROWN: It would revert to present law.

LEIBOWITZ: Yes.

B. BROWN: Isn't that what you were going to say?

LEIBOWITZ: Yes, if they were in a county that was part of the declaration of disaster by the governor's office.

B. BROWN: And they were registered voters?

LEIBOWITZ: Yes, ma'am.

B. BROWN: Showing on the records that they were registered voters, it would revert to present law?

LEIBOWITZ: Yes, ma'am.

B. BROWN: And your intent is not to interfere with the intent of my bill?

LEIBOWITZ: No, I was concerned about Rita hitting Houston, and terrible devastation, and an election being three weeks later, for example.

B. BROWN: And the period of one year, you set for what reason?

LEIBOWITZ: I just thought that was a reasonable period of time from the date, given that we have election cycles and elections don't happen every day or every week, or even every month, that that would be a reasonable period of time to allow someone, between the time they're digging the mud out of their homes, and bailing the water out, and trying to reconstruct their lives, that it would be a reasonable period of time within which they could have to get their duplicate documents.

REMARKS ORDERED PRINTED

Representative B. Brown moved to print remarks between Representative Leibowitz and Representative B. Brown.

The motion prevailed.

Amendment No. 9 was adopted.

(Speaker in the chair)

Amendment No. 10

Representative Veasey offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) On page 1, lines 5-6, strike "Subsection (g)" and substitute "Subsections (g) and (h)".

(2) On page 1, line 9, between "and" and "either", insert ", except as provided by Subsection (h),".

(3) On page 2, between lines 2 and 3, insert the following:

(h) This subsection applies only to a county in which the county or any political subdivision located in the county made a submission under 42 U.S.C. Section 1973c for which the United States attorney general interposed an objection since 1990. A voter who presents a voter registration certificate indicating that the voter resides in a county subject to this subsection is not required to provide any identification in addition to the voter's voter registration certificate.

Representative B. Brown moved to table Amendment No. 10.

A record vote was requested.

The motion to table prevailed by (Record 608): 74 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crowover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Deshotel; King, S.; Quintanilla; Smith, T.; Zedler.

STATEMENTS OF VOTE

When Record No. 608 was taken, I was in the house but away from my desk. I would have voted no.

Deshotel

When Record No. 608 was taken, I was temporarily out of the house chamber. I would have voted no.

Quintanilla

When Record No. 608 was taken, I was in the house but away from my desk. I would have voted yes.

T. Smith

When Record No. 608 was taken, I was in the house but away from my desk. I would have voted yes.

Zedler

Amendment No. 11

Representative Anchia offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) On page 3, line 18, strike "photo".

(2) On page 4, line 13, strike "or".

(3) On page 4, line 15, between "Safety" and the period, insert
"; or

(8) a signed declaration under penalty of perjury affirming that the person is the same person listed on the person's voter registration certificate".

(Guillen in the chair)

Representative B. Brown moved to table Amendment No. 11.

(Speaker in the chair)

A record vote was requested.

The motion to table prevailed by (Record 609): 77 Yeas, 68 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Tourelles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Davis, Y.

(Woolley in the chair)

Amendment No. 12

Representative Y. Davis offered the following amendment to **HB 218**:

Amend **HB 218** on page 4, line 11, by striking "located in Texas" and substituting "located in the United States".

Amendment No. 12 was adopted.

Amendment No. 13

Representative Gonzales offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) On page 4, line 13, strike "or".

(2) On page 4, line 15, strike the period and substitute

; or

(8) an identification card that contains the person's photograph and is issued by a county elections administrator or a country clerk.

(3) On page 5, between lines 19 and 20, insert the following:

(c) The commissioners court of a county may authorize the county elections administrator or the county clerk, as applicable, to issue photo identification cards that may be used as proof of a voter's identification under Subsection (a).

(Speaker in the chair)

Representative B. Brown moved to table Amendment No. 13.

A record vote was requested.

The motion to table prevailed by (Record 610): 73 Yeas, 69 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hill; Howard, C.; Hughes; Isett; Jones; Keffer; King, P.; Kolkhorst;

Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hilderbran; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Jackson; King, S.; Mowery; Straus.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

HB 218 - (consideration continued)

Amendment No. 14

Representative Y. Davis offered the following amendment to **HB 218**:

Amend **HB 218** on page 6, lines 12 and 13, by striking "is financially unable to pay the required fee" and substituting "is obtaining the personal identification certificate for the sole purpose of satisfying Section 63.001(b)(1), Election Code".

Amendment No. 14 was adopted.

Amendment No. 15

Representative Dutton offered the following amendment to **HB 218**:

Amend **HB 218**, Section 63.001, Election Code by adding Subsection (h) to read as follows:

(h) This section does not apply if the voter offering to vote is currently registered in the precinct in which the voter is offering to vote and voter is known to the election officer.

Amendment No. 15 - Point of Order

Representative Corte raised a point of order against further consideration of Amendment No. 15 under Rule 11, Section 3 of the House Rules on the grounds that the amendment would change the original purpose of the bill.

The point of order was withdrawn.

HB 218 - POINT OF ORDER

Representative Martinez Fischer raised a point of order against further consideration of **HB 218** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker overruled the point of order.

Representative B. Brown moved to table Amendment No. 15.

A record vote was requested.

The motion to table prevailed by (Record 611): 75 Yeas, 69 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Mowery; Talton.

Amendment No. 16

Representatives Villarreal and Heflin offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 32.111, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The training standards adopted under Subsection (a) must include provisions on the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION _____. Section 32.114(a), Election Code, is amended to read as follows:

(a) The county clerk shall provide one or more sessions of training using the standardized training program and materials developed and provided by the secretary of state under Section 32.111 for the election judges and clerks appointed to serve in elections ordered by the governor or a county authority. Each election judge shall complete the training program. Each election clerk shall complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION _____. As soon as practicable after the effective date of this Act:

(1) the secretary of state shall adopt the training standards and develop the training materials required to implement the change in law made by this Act to Section 32.111, Election Code; and

(2) the county clerk of each county shall provide a session of training under Section 32.114, Election Code, using the standards adopted and materials developed to implement the change in law made by this Act to Section 32.111, Election Code.

Amendment No. 16 was adopted.

Amendment No. 17

Representative Y. Davis offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill to read as follows:

SECTION _____. Chapter 62, Election Code, is amended by adding Section 62.016 to read as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. The presiding judge shall post in a prominent place on the outside of each polling location a list of the acceptable forms of photographic and nonphotographic identification. The notice and list must be printed:

(1) in English, Spanish, and any other language appropriate to the precinct in which the polling place is located; and

(2) using a font that is at least 24 point.

Amendment No. 17 was adopted. (Harper-Brown and Laubenberg recorded voting no.) (The vote was reconsidered later today, and Amendment No. 17 was withdrawn.)

Amendment No. 18

Representative Alonzo offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Not later than the 30th day after the effective date of this Act, the Attorney General of Texas must render an opinion determining if this Act has the purpose or will have the effect of denying or abridging the right to vote on account of race or color or in contravention of the guarantees set forth in 42 U.S.C. Section 1973b(f)(2).

Representative B. Brown moved to table Amendment No. 18.

A record vote was requested.

The motion to table prevailed by (Record 612): 76 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Farabee; Flynn; Gattis; Goolsby; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Hamilton; Jones; King, S.; Pierson.

Amendment No. 19

Representative Leibowitz offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. The requirements contained in this Act of providing two forms of identification do not apply to a person who is 85 years of age or older.

Amendment No. 19 was withdrawn.

Amendment No. 20

Representative Herrero offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Chapter 63, Election Code, is amended by adding Section 63.010 to read as follows:

Sec. 63.010. FEES PROHIBITED FOR CERTAIN FORMS OF IDENTIFICATION DOCUMENTATION. Notwithstanding any other law, a local government or state agency, including a public institution of higher education, may not charge a fee for a person to obtain a document issued by the local government or state agency, including a public institution of higher education, if the document may be used as proof of identification under this chapter.

Amendment No. 20 - Point of Order

Representative Bohac raised a point of order against further consideration of Amendment No. 20 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Representative Bohac moved to table Amendment No. 20.

A record vote was requested.

The motion to table prevailed by (Record 613): 78 Yeas, 67 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Farabee; Flynn; Gattis; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — King, S.

Amendment No. 21

Representative Herrero offered the following amendment to **HB 218**:

Amend **HB 218** on page 6, lines 1-18, by striking SECTION 7 of the bill and substituting the following:

SECTION 7. Section 521.422, Transportation Code, is amended to read as follows:

Sec. 521.422. PERSONAL IDENTIFICATION CERTIFICATE OPTIONAL FEES ~~[FEE]~~. (a) Except as provided by Subsections (b) and (c), the department may not charge a [The] fee for the issuance of a personal identification certificate [is:

~~(1) \$15 for a person under 60 years of age;~~

~~(2) \$5 for a person 60 years of age or older; and~~

~~(3) \$20 for a person subject to the registration requirements under Chapter 62, Code of Criminal Procedure].~~

(b) The department shall collect a ~~[an additional]~~ fee of \$1 for the issuance or renewal of a personal identification card to fund the Blindness Education, Screening, and Treatment Program established under Section 91.027, Human Resources Code, if the person applying for or renewing a personal identification card opts to pay the ~~[additional]~~ fee.

(c) The department shall collect a ~~[an additional]~~ fee of \$1 for the issuance or renewal of a personal identification card, including a duplicate personal identification card or a personal identification card issued or renewed over the Internet or by other electronic means, to pay the costs of the Donor Education, Awareness, and Registry Program of Texas, established under Chapter 49, Health and Safety Code, and, subject to Section 113.104, Health and Safety Code, of the Texas Organ, Tissue, and Eye Donor Council, established under Chapter 113, Health and Safety Code, if the person applying for or renewing a personal identification card opts to pay the ~~[additional]~~ fee. The department shall remit fees collected under this subsection to the comptroller, who shall maintain the identity of the source of the fees. Subject to appropriation, the department may retain three percent of the money collected under this subsection to cover the costs in administering this subsection.

Representative B. Brown moved to table Amendment No. 21.

A record vote was requested.

The motion to table prevailed by (Record 614): 77 Yeas, 66 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Menendez; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Farrar; King, S.; McReynolds.

STATEMENT OF VOTE

When Record No. 614 was taken, I was in the house but away from my desk. I would have voted no.

Farrar

Amendment No. 22

Representative Heflin offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 32.111, Election Code, is amended by adding Subsection (c) to read as follows:

(c) The training standards adopted under Subsection (a) must include provisions on the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001.

SECTION _____. As soon as practicable after the effective date of this Act, the secretary of state shall adopt the training standards and develop the training materials required to implement the change in law made by this Act to Section 32.111, Election Code.

Amendment No. 22 was adopted.

Amendment No. 23

Representative Heflin offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTION to the bill and renumber the remaining SECTIONS of the bill accordingly:

SECTION _____. (a) This section applies only to a document issued to a person:

(1) who is a registered voter in this state and presents a valid voter registration certificate; or

(2) who is eligible for registration under Section 13.001, Election Code, and makes a statement that the person will use the document to register to vote.

(b) Notwithstanding any other law, the Department of Public Safety of the State of Texas may not charge any fee for the issuance of a personal identification card.

(c) Notwithstanding any other law, an agency, institution, or political subdivision of this state may not charge any fee for the issuance of:

(1) a birth certificate; or

(2) any document required to be submitted for the issuance of a personal identification card.

(d) This section expires September 1, 2009.

Representative B. Brown moved to table Amendment No. 23.

A record vote was requested.

The motion to table prevailed by (Record 615): 72 Yeas, 67 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Flynn; Gattis; Goolsby; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Heflin; Hernandez; Herrero; Hochberg; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C); Farabee.

Absent, Excused — Flores; Moreno; Peña.

Absent — Deshotel; Hodge; King, S.; Madden; Straus; Swinford.

STATEMENTS OF VOTE

I was shown voting present, not voting on Record No. 615. I intended to vote no.

Farabee

When Record No. 615 was taken, I was in the house but away from my desk. I would have voted yes.

Madden

Amendment No. 24

Representative Rose offered the following amendment to **HB 218**:

Amend **HB 218** on page 2, line 2, by inserting the following new sentence after the period "An election officer shall inform a voter who is not accepted for voting under this section of the voter's right to cast a provisional ballot under Section 63.011."

Amendment No. 24 was adopted.

Amendment No. 25

Representatives Vaught, Garcia, Noriega, Escobar, Leibowitz, McReynolds, Menendez, and Farias offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 13.122(a), Election Code, is amended to read as follows:

(a) In addition to the other statements and spaces for entering information that appear on an officially prescribed registration application form, each official form must include:

(1) the statement: "I understand that giving false information to procure a voter registration is perjury and a crime under state and federal law.";

(2) a space for the applicant's registration number;

(3) a space for the applicant's Texas driver's license number or number of a personal identification card issued by the Department of Public Safety;

(4) a space for the applicant's telephone number;

(5) a space for the applicant's social security number;

(6) a space for the applicant's sex;

(7) a statement indicating that the furnishing of the applicant's telephone number and sex is optional;

(8) a space or box for indicating whether the applicant or voter is submitting new registration information or a change in current registration information;

(9) a statement instructing a voter who is using the form to make a change in current registration information to enter the voter's name and the changed information in the appropriate spaces on the form;

(10) a statement that if the applicant declines to register to vote, that fact will remain confidential and will be used only for voter registration purposes;

(11) a statement that if the applicant does register to vote, information regarding the agency or office to which the application is submitted will remain confidential and will be used only for voter registration purposes;

(12) a space or box for indicating whether the applicant is interested in working as an election judge;

(13) a statement warning that a conviction for making a false statement may result in imprisonment for up to the maximum amount of time provided by law, a fine of up to the maximum amount provided by law, or both the imprisonment and the fine; ~~and~~

(14) a space or box for indicating whether the applicant served in the active military, naval, or air service, was discharged or released from the service under conditions other than dishonorable, and incurred or aggravated a disability in the line of duty in that service; and

(15) ~~(14)~~ any other voter registration information required by federal law or considered appropriate and required by the secretary of state.

SECTION _____. Section 15.001(a), Election Code, is amended to read as follows:

(a) Each voter registration certificate issued must contain:

(1) the voter's name in the form indicated by the voter, subject to applicable requirements prescribed by Section 13.002 and by rule of the secretary of state;

(2) the voter's residence address or, if the residence has no address, the address at which the voter receives mail and a concise description of the location of the voter's residence;

(3) the month, day, and year of the voter's birth;

(4) the number of the county election precinct in which the voter resides;

(5) the voter's effective date of registration if an initial certificate;

(6) the voter's registration number;

(7) an indication of the period for which the certificate is issued;

(8) a statement explaining the circumstances under which the voter will receive a new certificate;

(9) a space for stamping the voter's political party affiliation;

(10) a statement that voting with the certificate by a person other than the person in whose name the certificate is issued is a felony;

(11) a space for the voter's signature;

(12) a statement that the voter must sign the certificate personally, if able to sign, immediately on receipt;

(13) a space for the voter to correct the information on the certificate followed by a signature line;

(14) the statement: "If any information on this certificate changes or is incorrect, correct the information in the space provided, sign below, and return this certificate to the voter registrar."; ~~and~~

(15) the registrar's mailing address and telephone number; and

(16) an indication that the voter is a "service-disabled veteran," if the voter stated on the voter's registration application that the voter served in the active military, naval, or air service, was discharged or released from the service under conditions other than dishonorable, and incurred or aggravated a disability in the line of duty in that service.

(2) On page 1, lines 5-6, strike "Subsection (g)" and substitute "Subsections (g) and (h)".

(3) On page 1, line 9, between "and" and "either", insert ", except as provided by Subsection (h).".

(4) On page 2, between lines 2 and 3, insert the following:

(h) A voter who presents a voter registration certificate indicating that the voter is a service-disabled veteran is not required to provide any identification in addition to the voter's voter registration certificate.

Amendment No. 25 was adopted.

Amendment No. 26

Representative Escobar offered the following amendment to **HB 218**:

Amend **HB 218** as follows:

(1) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 13.122(a), Election Code, is amended to read as follows:

(a) In addition to the other statements and spaces for entering information that appear on an officially prescribed registration application form, each official form must include:

(1) the statement: "I understand that giving false information to procure a voter registration is perjury and a crime under state and federal law.";

(2) a space for the applicant's registration number;

(3) a space for the applicant's Texas driver's license number or number of a personal identification card issued by the Department of Public Safety;

(4) a space for the applicant's telephone number;

(5) a space for the applicant's social security number;

(6) a space for the applicant's sex;

(7) a statement indicating that the furnishing of the applicant's telephone number and sex is optional;

(8) a space or box for indicating whether the applicant or voter is submitting new registration information or a change in current registration information;

(9) a statement instructing a voter who is using the form to make a change in current registration information to enter the voter's name and the changed information in the appropriate spaces on the form;

(10) a statement that if the applicant declines to register to vote, that fact will remain confidential and will be used only for voter registration purposes;

(11) a statement that if the applicant does register to vote, information regarding the agency or office to which the application is submitted will remain confidential and will be used only for voter registration purposes;

(12) a space or box for indicating whether the applicant is interested in working as an election judge;

(13) a statement warning that a conviction for making a false statement may result in imprisonment for up to the maximum amount of time provided by law, a fine of up to the maximum amount provided by law, or both the imprisonment and the fine; ~~[and]~~

(14) a space or box for indicating whether the applicant is a widow or widower of a person who served in the active military, naval, or air service; and

(15) [(44)] any other voter registration information required by federal law or considered appropriate and required by the secretary of state.

SECTION _____. Section 15.001(a), Election Code, is amended to read as follows:

(a) Each voter registration certificate issued must contain:

(1) the voter's name in the form indicated by the voter, subject to applicable requirements prescribed by Section 13.002 and by rule of the secretary of state;

(2) the voter's residence address or, if the residence has no address, the address at which the voter receives mail and a concise description of the location of the voter's residence;

(3) the month, day, and year of the voter's birth;

(4) the number of the county election precinct in which the voter resides;

(5) the voter's effective date of registration if an initial certificate;

(6) the voter's registration number;

(7) an indication of the period for which the certificate is issued;

(8) a statement explaining the circumstances under which the voter will receive a new certificate;

(9) a space for stamping the voter's political party affiliation;

(10) a statement that voting with the certificate by a person other than the person in whose name the certificate is issued is a felony;

(11) a space for the voter's signature;

(12) a statement that the voter must sign the certificate personally, if able to sign, immediately on receipt;

(13) a space for the voter to correct the information on the certificate followed by a signature line;

(14) the statement: "If any information on this certificate changes or is incorrect, correct the information in the space provided, sign below, and return this certificate to the voter registrar."; ~~and~~

(15) the registrar's mailing address and telephone number; and

(16) an indication that the voter is a "military widow or widower," if the voter stated on the voter's registration application that the voter is a widow or widower of a person who served in the active military, naval, or air service.

(2) On page 1, lines 5-6, strike "Subsection (g)" and substitute "Subsections (g) and (h)".

(3) On page 1, line 9, between "and" and "either", insert ", except as provided by Subsection (h).".

(4) On page 2, between lines 2 and 3, insert the following:

(h) A voter who presents a voter registration certificate indicating that the voter is a military widow or widower is not required to provide any identification in addition to the voter's voter registration certificate.

Amendment No. 26 was adopted.

Amendment No. 27

Representative Y. Davis offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTION and by renumbering the existing SECTIONS as appropriate:

SECTION _____. The voter registrar of each county shall provide notice of the change in identification requirements for voting contained in this Act with each voter registration certificate or renewal registration certificate issued on or before September 1, 2008. The secretary of state shall prescribe the form of the notice required under this section.

Amendment No. 27 was adopted.

Amendment No. 28

Representative Villarreal offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS accordingly:

SECTION _____. Section 63.012, Election Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) An offense under Subsection (a)(1) [~~this section~~] is a Class B misdemeanor.

(c) An offense under Subsection (a)(2) is a Class A misdemeanor.

Representative B. Brown moved to table Amendment No. 28.

A record vote was requested.

The motion to table prevailed by (Record 616): 78 Yeas, 64 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Farabee; Flynn; Gattis; Geren; Goolsby; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Homer; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; Mallory Caraway; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Haggerty; Heflin; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; Jones; Leibowitz; Lucio; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — King, S.; King, T.; Pierson; Smithee.

STATEMENT OF VOTE

I was shown voting no on Record No. 616. I intended to vote yes.

Haggerty

Amendment No. 17 - Vote Reconsidered

Representative Y. Davis moved to reconsider the vote by which Amendment No. 17 was adopted.

The motion to reconsider prevailed.

Amendment No. 17 was withdrawn.

Amendment No. 29

Representative Y. Davis offered the following amendment to **HB 218**:

Amend **HB 218** by adding the following appropriately numbered SECTION to the bill and renumbering the remaining SECTIONS of the bill accordingly:

SECTION _____. Chapter 62, Election Code, is amended by adding Section 62.016 to read as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. The presiding judge shall post in a prominent place on the outside of each polling location a list of the acceptable forms of photographic and nonphotographic identification. The notice and list must be printed using a font that is at least 24 point.

Amendment No. 29 was adopted.

Amendment No. 30

Representative Strama offered the following amendment to **HB 218**:

Amend **HB 218** by striking all below the enacting clause and substituting the following:

SECTION 1. Subchapter A, Chapter 31, Election Code, is amended by adding Section 31.012 to read as follows:

Sec. 31.012. ELECTION INTEGRITY TRAINING. The secretary of state shall annually conduct, in at least four different geographic regions of the state, election integrity training for election officers, law enforcement personnel, and prosecutors in detecting, investigating, and prosecuting instances of vote fraud in which a person impersonates another person for the purposes of voting.

SECTION 2. Subchapter A, Chapter 273, Election Code, is amended by adding Sections 273.005 and 273.006 to read as follows:

Sec. 273.005. ELECTION INTEGRITY TASK FORCE. Each district attorney or criminal district attorney in this state shall create an election integrity task force to investigate and prosecute instances of vote fraud in which a person impersonates another person for the purposes of voting.

Sec. 273.006. POST ELECTION INTEGRITY AUDIT. (a) Following the general election for state and county officers, the county clerk of each county shall conduct a post-election integrity audit to examine and investigate any evidence of vote fraud in which a person impersonates another person for the purposes of voting.

(b) The county clerk shall:

(1) not later than the 90th day after the date of the general election for state and county officers, file a report with the secretary of state and the commissioners court of the county providing details of the evidence collected in the audit; and

(2) refer any evidence of vote fraud collected under the audit to the district or criminal district attorney with jurisdiction in the county.

SECTION 2. This Act takes effect September 1, 2007.

Amendment No. 30 - Point of Order

Representative Berman raised a point of order against further consideration of Amendment No. 30 under Rule 11, Section 2 of the House Rules on the grounds that the amendment is not germane to the bill.

The point of order was withdrawn.

Representative B. Brown moved to table Amendment No. 30.

A record vote was requested.

The motion to table prevailed by (Record 617): 75 Yeas, 67 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Flynn; Gattis; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C); Straus.

Absent, Excused — Flores; Moreno; Peña.

Absent — Cook, R.; King, S.; Woolley.

STATEMENT OF VOTE

When Record No. 617 was taken, my vote failed to register. I would have voted yes.

Woolley

HB 218 - REMARKS

REPRESENTATIVE ANCHIA: Members, I'm going to be brief, this has been a long day. The debate has gone on for, oh boy, about six hours and this is what we learned. We've learned that the authors of this bill have provided not one shred of evidence of voter impersonation, which is the type of voter fraud this bill gets at. We have learned that upwards of two million Texans may be disenfranchised by this bill. We have learned that the sense of this body is not to prosecute the offenders and not to set up and devote resources to engage a prosecuting voter impersonation.

So, let me tell you what I know it's not about. This is clearly not about voter fraud, it's not about voter impersonation, it's not about expanding the franchise, it's not about protecting those that are least vulnerable in our society, and it's not about making sure that elections are more secure, and I'll tell you why. I've been saving this wonderful nugget for you guys until the end. If you look at the list of documents that you can offer up, it includes employee identification. No matter how much training you do with poll workers, no matter how much training you do of election judges and election officials, it will be impossible for them to discern what is a valid employment identification and what is an invalid employment identification. Mr. Talton probably has an identification for his law firm. It would be impossible for me to tell whether it was valid or invalid or whether Joe Deshotel's face was on it or whether it was correct or not. In fact, you can go down to Kinko's and have a bogus little ID made and say that you're an employee of whatever organization you want to be for about five dollars. In fact, this bill, rather than increasing the integrity of elections, makes sure that there's a huge loophole that you can drive a train through to increase voter fraud that was what was crossing the mind of a particular person.

We know that there's no evidence of it, but if this body wants to create an opportunity for voter fraud then vote for **HB 218**. In fact, that Section 3 part (a) of **HB 218** creates a wonderful opportunity for people at a low cost to be able to impersonate someone else by saying that this is a valid employee ID and no poll worker, no election worker, no election judge will be able to discern a valid from an invalid ID. Furthermore, there's another wonderful loophole in this bill that creates a glaring weakness. It essentially allows vote by mail to continue without photo identification. Vote by mail, that we know, is the greatest source of voter fraud in this state. In fact, all of the prosecutions by the attorney general—I shouldn't say all, but a great majority of the prosecutions by the attorney general occur with respect to vote by mail.

So ladies and gentlemen, you have a pig on your hands. It's an ugly bill. It creates more of an opportunity for voter fraud than current law, and I will tell you that if you vote for this without any commensurate enforcement like what was

offered up in Representative Strama's bill, you are voting for a pig with no lipstick, and it's going to be nasty. So I urge you, members of this body, to please vote against the loopholes that this bill creates and vote against the opportunities of voter fraud that this creates and vote against **HB 218**.

REPRESENTATIVE BURNAM: I particularly want to thank Rafael Anchia for the leadership role he's taken, both on the Elections Committee and today, and I'm only going to add a few words from my hometown daily paper, the *Star-Telegram* today. The opening paragraph, "An insidious scheme to turn back the clock on voting rights in Texas tragically has once again made it's way to the state house floor. The architects of this idea pitched as a noble effort to prevent voter fraud cannot be allowed to succeed with what is surely one of the greatest assaults on the right to vote in this state since the passage of The Federal Voting Rights Act in 1965." Racism is racism, xenophobia is xenophobia. It's too bad that we're going to see it enacted on the house floor again.

REMARKS ORDERED PRINTED

Representative Thompson moved to print all closing remarks on **HB 218**.

The motion prevailed.

REPRESENTATIVE VEASEY: Mr. Speaker, members, thank you very much. I'll be very brief. I want to start off by thanking some of the folks that have helped bring attention to this voter ID, or what I call a voter suppression bill. First of all, I'd like to thank the Baptist General Convention of Texas. They put out a pamphlet, a flier today asking members to please oppose this bill. I think that's significant because the Civil Rights Movement back when we were going through a lot of these issues that we're facing today—and don't be mistaken about it—this is a Civil Rights issue that we are debating today. But back during the '60s the black ministers and everyone else that marched for freedom, that marched for voting rights, rarely did any of the white pastors from the South join in, and the fact that the Baptist General Convention joined in shows that we are making some progress in this country on racial harmony.

Unfortunately, this bill sets us back. We have heard absolutely no evidence of any voter impersonation today, absolutely none. I think that Representative Strama and Representative Anchia pointed that out very eloquently. All of the amendments and everything that Ms. Brown has offered you today is asking you to vote for this bill based on generalizations, and based on stereotypes, and based on things that are untrue. There has been absolutely not one shred of evidence, and we're voting for this bill today. It makes absolutely no sense, and especially in light of what's going on with the attorney general in the State of Texas. They were trying to force U.S. attorneys to say that there was voting fraud going on in their respective districts in there respective states so they could produce convictions that would prove voter impersonation. The panel, the U.S. panel who looked into this, found none. They had to help doctor some of the findings to make their findings more compelling. And I think that it's time that—instead of 15 or 20 years from now—because, you know, when we look down the road this is going to be embarrassing that we even voted for this. But right now people are

doing this because people think that it's the popular thing to do. It's the wrong way that our state is heading, and I'm going to ask you, and I know that the amendments haven't been going favorable, but I'm going to ask everybody here today to do the right thing and vote no on this bill.

REPRESENTATIVE CASTRO: Mr. Speaker, members, the bill that we have in front of us is a perversion of our American democracy for several reasons. The first reason, it makes it too hard for honest people to go to the polls and vote, and it makes it too easy for dishonest people to cheat and find a way to vote. The list of exceptions that were added to this bill, rather it's the one that Rafael Anchia pointed out, a valid ID from a business. We'll never be able to tell what those valid IDs look like. Or even a student ID that can be falsified. A bill sent to a home that can easily be falsified. All of those additions actually make it easier for somebody to go out and commit the kind of fraud that we're trying to protect against today. And yet, it's the people who are actually honest who suffer.

It's ironic that we've heard many of the arguments that we've heard today. For instance, when we talk about the second amendment and the right to bear arms, we often hear the argument that we shouldn't punish those who rightfully bear arms to go after the few that would get those guns illegally anyway. That philosophy predominates this legislature. But for some reason, that philosophy was missing in the discussion of this bill today.

Earlier in the session, earlier today, I handed out a listing of where Texas ranked in 2002 in terms of voter turnout. We're about five or six months removed from our November races when everybody went out and campaigned, knocked on doors, put up signs, worked the polls on election day. You all remember the intensity in which you're trying to get people to vote, all that effort, all that energy. And in 2002, we ranked second to last in the nation in the number of people who come out to vote as compared to our voting age population. There's no question today that this piece of legislation will drive our numbers down even further, and in a few years, I wouldn't be surprised if we ranked dead last in the nation in voter turnout. We rank second in terms of population in the United States, second only to California. We rank fourth in voter turnout behind the states of New York and Florida.

We also heard a lot about fiscal notes. We're passing this bill despite the fact that it has a fiscal note. We defeated amendments because they had fiscal notes. And although money is one way to measure loss, and a very popular one, it's not the only way. And I can't help but think that there is a democracy note here, and that the democracy cost here is even more than the fiscal cost to our state.

REPRESENTATIVE MACIAS: Thank you, Mr. Speaker and members. First, I would like to thank Representative Brown for bringing this bill to the floor. Could the reason be that we don't have any on-going voter impersonation investigations be that we don't have a system that requires voter identity verification? I believe **HB 218** will be that tool that detects and deters voter impersonation, but even more than that, it will preserve and protect our most basic right to vote, and give us the confidence that those who turn out to vote are, in fact, qualified voters. The goal of the bill is to bring the highest integrity

possible to our most precious and basic right to vote, and I just encourage us to vote yes on this bill.

REPRESENTATIVE B. BROWN: Thank you, Mr. Speaker and members. Thank you for staying all afternoon and into the evening, and thank you for all of you who believed in this bill, and helped with it, helped to improve it, and especially to former Representative Mary Denny, who paved the way for us when she carried it in the last session. I am not going to waste a lot of your time, because I think we've all made up our minds if we're going to support this bill or not, but I will remind you that there have been a lot of accusations, or I should say claims, made about it that I believe in my heart are not true. The Supreme Court has upheld the fact that this is not a poll tax that we are instituting by requiring of people that they merely prove who they say they are when they come in to vote. This is, and I think that all that needs to be said now is just to close with a statement from the U.S. Supreme Court.

REPRESENTATIVE DUNNAM: If I show up at the polls, under your bill, without my voter registration card, but with five photo IDs, will my vote count? Without my voter registration card, but with five photo IDs, will I get to vote?

B. BROWN: One photo ID will be entirely sufficient, so long as you are on the voter registration roll.

DUNNAM: And are you saying that if I have my photo, if I do not have my voter registration card, that I don't get a provisional ballot?

B. BROWN: You do get a provisional ballot.

DUNNAM: So if I show up without a voter ID card, my voter registration card, but with five government photo IDs, I will get a provisional ballot, correct?

B. BROWN: You would have a provisional ballot, because you need to bring your voter registration card with you.

DUNNAM: And my vote won't count.

B. BROWN: It will be a provisional ballot. Let me just read this one quote from the U.S. Supreme Court decision that recognizes the merit of photo identification cards for voting. In removing an injunction against Arizona's photo identification law, the U.S. Supreme Court's per curiam opinion reads, "Confidence in the integrity of our electoral processes is essential to the functioning of our participatory democracy. Voter fraud drives honest citizens out of the democratic process and breeds distrust of our government. Voters who fear their legitimate votes will be outweighed by fraudulent ones, will feel disenfranchised." So, members, we want to increase the integrity of the process, and thereby increase voters' confidence in integrity of the process, and there will be more participation. Thank you, members. I move passage.

A record vote was requested.

HB 218, as amended, was passed to engrossment by (Record 618): 76 Yeas, 68 Nays, 3 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Flynn; Gattis; Geren; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C); England; Goolsby.

Absent, Excused — Flores; Moreno; Peña.

PAIRED VOTES

England (present), who would vote yes, with Peña (absent), who would vote no.

Goolsby (present), who would vote yes, with Flores (absent), who would vote no.

REASON FOR VOTE

I would like to document my vote in the House Journal as "aye" on **HB 218**. If present, Representative Peña would have voted "nay" on the above mentioned bill. When I became aware that Representative Peña would not be present on the house floor due to a speaking engagement in his district, thereafter I agreed to the pairing. With the utmost respect for both Representative Peña and the process of the house, I am more than honored to take part in this pairing.

England

CSHB 626 ON SECOND READING

(by P. King, Christian, Macias, Paxton, et al.)

CSHB 626, A bill to be entitled An Act relating to the procedures for registering to vote.

Representative P. King moved to postpone consideration of **CSHB 626** until 10 a.m. Monday, April 30.

The motion prevailed.

**CONSTITUTIONAL AMENDMENTS CALENDAR
HOUSE JOINT RESOLUTIONS
SECOND READING**

The following resolutions were laid before the house and read second time:

**HJR 91 ON SECOND READING
(by Bohac)**

HJR 91, A joint resolution proposing a constitutional amendment to change the length of the unexpired term that causes the automatic resignation of certain elected county or district officeholders if they become candidates for another office.

Amendment No. 1

Representative Bohac offered the following amendment to **HJR 91**:

Amend **HJR 91**, line 13, as follows:

(1) strike ~~60~~, and insert 90.

Amendment No. 1 was adopted.

A record vote was requested.

HJR 91, as amended, failed of adoption by (Record 619): 71 Yeas, 72 Nays, 1 Present, not voting. (The vote was reconsidered later today, and **HJR 91** was postponed until 10 a.m. Monday, May 28.)

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Eissler; Elkins; Farabee; Flynn; Gattis; Geren; Giddings; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Kuempel; Latham; Laubenberg; Macias; Madden; Martinez; McCall; Miller; Morrison; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Riddle; Smith, T.; Smith, W.; Solomons; Straus; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Branch; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Driver; Dukes; Dutton; Eiland; England; Escobar; Farias; Farrar; Frost; Gallego; Garcia; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hartnett; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Jones; King, T.; Krusee; Leibowitz; Lucio; Mallory Caraway; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Mowery; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smithee; Strama; Swinford; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Flores; Moreno; Peña.

Absent — Corte; Dunnam; Talton.

STATEMENTS OF VOTE

When Record No. 619 was taken, my vote failed to register. I would have voted no.

Dunnam

I was shown voting yes on Record No. 619. I intended to vote no.

Geren

I was shown voting yes on Record No. 619. I intended to vote no.

Martinez

HB 1462 - RECOMMITTED

Representative Zedler moved to recommit **HB 1462** to the Committee on Elections.

The motion prevailed.

HB 1315 - RECOMMITTED

Representative Bailey moved to recommit **HB 1315** to the Committee on Urban Affairs.

HB 1315 - REMARKS

REPRESENTATIVE BONNEN: Mr. Bailey, is it correct that you want to send this back to your committee because the information that you were given wasn't entirely accurate, that local volunteer firefighters were accepting of this bill, and found it to be approving to them?

REPRESENTATIVE BAILEY: That's absolutely correct. We never had any intention to harm volunteer firefighters after finding out there were some problems in the bill. It's my intent to send that back to Urban where it'll maybe be sent back to Calendars on July 20th.

BONNEN: And then you take control of this bill and ensure that you're protecting volunteer firefighters, which has been your intention throughout this process?

BAILEY: Absolutely. I'm going to stand for those firefighters.

The motion to recommit prevailed.

FIVE DAY POSTING RULE SUSPENDED

Representative Eissler moved to suspend the five day posting rule to allow the Committee on Public Education to consider **HB 1672** and **HCR 143** at 8 a.m. tomorrow in E2.036.

The motion prevailed.

Representative Swinford moved to suspend the five day posting rule to allow the Committee on State Affairs to consider **HB 2656** and **HCR 198** upon adjournment today in E2.010.

The motion prevailed.

REMARKS ORDERED PRINTED

Representative Bonnen moved to print remarks between Representative Bailey and Representative Bonnen regarding the motion to recommit **HB 1315**.

The motion prevailed.

FIVE DAY POSTING RULE SUSPENDED

Representative Deshotel moved to suspend the five day posting rule to allow the Committee on Transportation to consider **SB 965** at 8 a.m. tomorrow in E2.012.

The motion prevailed.

Representative Giddings moved to suspend the five day posting rule to allow the Committee on Business and Industry to consider **HB 3823** at 2 p.m. or upon adjournment tomorrow in E2.026.

The motion prevailed.

(Guillen in the chair)

Representative Bonnen moved to suspend the five day posting rule to allow the Committee on Environmental Regulation to consider **HB 3231** and **HB 3388** at 8 a.m. tomorrow in E2.028.

The motion prevailed.

Representative Puentes moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider **HB 4086** at 2 p.m. Wednesday, April 25 in E2.012.

The motion prevailed.

Representative Rose moved to suspend the five day posting rule to allow the Committee on Human Services to consider **HB 2154**, **HB 2474**, **HB 2856**, **HB 2902**, **HB 2904**, and **HB 3766** at 10:30 a.m. or upon adjournment Thursday, April 26 in E2.026.

The motion prevailed.

Representative Smithee moved to suspend the five day posting rule to allow the Committee on Insurance to consider **SB 502** upon adjournment today in E1.026.

The motion prevailed.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

HJR 91 - VOTE RECONSIDERED

Representative Hartnett moved to reconsider the vote by which **HJR 91**, as amended, failed of adoption.

The motion to reconsider prevailed.

HJR 91 ON SECOND READING
(by Bohac)

HJR 91, A joint resolution proposing a constitutional amendment to change the length of the unexpired term that causes the automatic resignation of certain elected county or district officeholders if they become candidates for another office.

Representative Hartnett moved to postpone consideration of **HJR 91** until 10 a.m. Monday, May 28.

The motion prevailed.

**PROVIDING FOR A CONGRATULATORY
AND MEMORIAL CALENDAR**

Representative McClendon moved to set a congratulatory and memorial calendar for 9 a.m. Friday, April 27.

The motion prevailed.

HR 1616 - ADOPTED
(by Puente)

Representative C. Howard moved to suspend all necessary rules to take up and consider at this time **HR 1616**.

The motion prevailed.

The following resolution was laid before the house:

HR 1616, Congratulating The San Antonio Orthopaedic Group, LLP, on the 60th anniversary of its founding.

HR 1616 was adopted.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Local and Consent Calendars, upon adjournment today, E2.024, for a formal meeting.

State Affairs, upon adjournment today, E2.010, for a public hearing, to consider **HB 2656**, **HCR 198**, and posted business.

Licensing and Administrative Procedures, upon adjournment today, Desk 99, for a formal meeting, to consider **SB 904**.

Calendars, upon adjournment today, 3W.9, for a formal meeting, to consider a calendar.

Rules and Resolutions, upon adjournment today, 2W.25, for a formal meeting, to consider a congratulatory and memorial calendar.

ADJOURNMENT

Representative Pickett moved that the house adjourn until 10 a.m. tomorrow in memory of Mike Lopez of El Paso and Austin.

The motion prevailed.

The house accordingly, at 7:57 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 24

HB 1447, HB 1967

Senate List No. 25

SB 192, SB 325, SB 507, SB 844, SCR 50

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 23, 2007

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 5

Berman

SPONSOR: Deuell

Relating to providing for a reduction of the limitation on the total amount of ad valorem taxes that may be imposed by a school district on the residence homesteads of the elderly or disabled to reflect any reduction in the school district's tax rate and protecting a school district against any resulting loss in local revenue.

HCR 26

Gallego

SPONSOR: Lucio

In memory of the Honorable Frank Madla of San Antonio.

HCR 167

Hilderbran

SPONSOR: Deuell

Recognizing the 2007 and 2008 appointments of State Poet Laureate, State Musician, and State Visual Artists.

SB 103

Hinojosa

Relating to the Texas Youth Commission; providing penalties.

SB 156 Shapiro

Relating to a competitive grant program to fund nurse-family partnership programs in certain communities in this state.

SB 194 Jackson, Mike

Relating to the eligibility of certain individuals with terminally ill spouses or parents for unemployment compensation.

SB 262 Ellis

Relating to compensation for wrongful imprisonment.

SB 346 Duncan

Relating to indemnification provisions in construction contracts.

SB 419 Lucio

Relating to health benefit plan coverage for enrollees with autism spectrum disorder.

SB 448 Uresti

Relating to the distribution, possession, purchase, consumption, and receipt of tobacco products; providing penalties.

SB 776 Jackson, Mike

Relating to certain educational requirements applicable to the regulation of the practice of chiropractic.

SB 805 Uresti

Relating to a foster children's bill of rights.

SB 809 Janek

Relating to automated pharmacy systems.

SB 855 Shapleigh

Relating to the extension of consumer credit to certain members of the Texas National Guard and armed forces of the United States and their dependents; providing a penalty.

SB 932 Jackson, Mike

Relating to the required contents of a voter registration certificate.

SB 962 Shapleigh

Relating to funding under the instructional facilities allotment for school districts affected by troop reassignments at military installations.

SB 1031 Shapiro

Relating to the administration of certain assessment instruments in public schools; providing a criminal penalty.

SB 1200 Patrick, Dan

Relating to rules governing instant games by the Texas Lottery Commission.

SB 1267 Nichols

Relating to a moratorium on the inclusion of certain provisions in a comprehensive development agreement or the sale of a toll project and to the creation and duties of a study committee.

SB 1488 Patrick, Dan

Relating to the Texas Teach Corps Scholarship Program for students who agree to teach in public schools in this state that have shortages of teachers in certain academic subjects.

SB 1500

Zaffirini

Relating to designating the Donor Education, Awareness, and Registry Program of Texas as the Glenda Dawson Donate Life-Texas Registry.

SB 1592

Hinojosa

Relating to the requirements regarding reporting by a common carrier or pipeline owner or operator of contamination.

SB 1781

Carona

Relating to technical defects in instruments conveying real property.

SB 1790

Jackson, Mike

Relating to the requirements for receiving approval to provide training to an owner of an on-site sewage disposal system using aerobic treatment in maintaining the system.

SB 1870

Zaffirini

Relating to the implementation of the community living options information process for certain adults with mental retardation at certain institutions.

SJR 49

Jackson, Mike

Proposing a constitutional amendment limiting the service of certain officeholders after the expiration of the person's term of office.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 23, 2007 - 2

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 1098

Bonnen

SPONSOR: Hegar

Relating to immunization against human papillomavirus.

(Committee Substitute)

HCR 158

Dunnam

SPONSOR: Averitt

Congratulating the Mart Panthers football team on winning the 2006 2A State Championship.

HCR 170

Garcia

SPONSOR: Hegar

Commemorating the Texas Maritime Museum's 20th anniversary as the official State Maritime Museum of Texas.

SB 72

Lucio

Relating to the establishment of the Worksite Wellness Advisory Board and the implementation of worksite wellness policies at state agencies.

SB 110

Van de Putte

Relating to dissemination of information concerning immunization against human papillomavirus.

SB 820

Wentworth

Relating to the minimum continuing legal education requirements for an attorney who is a member of the Texas Legislature.

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 229

(31 Yeas, 0 Nays)

SB 343

(31 Yeas, 0 Nays)

SB 369

(31 Yeas, 0 Nays)

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Monday, April 23, 2007 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 105

West, Royce

Relating to the establishment of a law school in the city of Dallas by the University of North Texas System.

SB 120

Zaffirini

Relating to the prevention of and education concerning the offense of online solicitation of a minor.

SB 309

Van de Putte

Relating to the requirement that a career school or college adopt a refund policy for students called to active military service.

SB 585

Van de Putte

Relating to the authority of the Edwards Aquifer Authority to adopt rules relating to fire control.

SB 799

Ellis

Relating to the creation of the Texas Eyewitness Identification Working Group.

SB 840

Lucio

Relating to professional development institutes for public school teachers and paraprofessionals regarding education of students with disabilities.

SB 1058

West, Royce

Relating to reintegration counseling services and related resources for military servicemembers.

SB 1090

Duncan

Relating to the creation of a youth diabetes registry; providing penalties.

SB 1740

Shapiro

Relating to the prosecution of certain sexual offenses and to the registration and supervision of sex offenders.

Respectfully,

Patsy Spaw

Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 19

Agriculture and Livestock - **HB 2346**

Border and International Affairs - **HB 1430, SB 893**

Business and Industry - **HB 3101**

Civil Practices - **HB 1602**

Corrections - **HB 1814**

Criminal Jurisprudence - **HB 1048, HB 1801, HB 2115, HB 2950, HB 3131**

Elections - **HB 606, HB 2149**

Energy Resources - **HB 3385**

Environmental Regulation - **HB 2565**

Financial Institutions - **HB 3270, SB 884**

Government Reform - **HB 633**

Insurance - **HB 1913, HB 2015, HB 2118**

Judiciary - **HB 3083, HB 3460**

Juvenile Justice and Family Issues - **SB 228**

Licensing and Administrative Procedures - **HB 2106, HB 2659**

Natural Resources - **HB 462, HB 2039, SB 657**

Pensions and Investments - **HB 1587, HB 2365, HB 2376**

Public Health - **HB 643, HB 1117, HB 3735**

Regulated Industries - **SB 484**

Transportation - **HB 1790, HB 2114, HB 2557, HB 2760, HB 2859, HB 2898, HB 2945, HB 2988, HB 2991, HB 3225, HB 3275, HB 3441, HB 3711, HB 3955, HCR 164, SB 331, SB 1266, SB 1375**

Urban Affairs - **HB 1456, HB 1561, HB 2050, HB 4045**

Ways and Means - **HB 1751**

April 20

Agriculture and Livestock - **HB 1090, HB 1728**

Civil Practices - **HB 1089, HB 1183, HB 1572, HB 3071**

Culture, Recreation, and Tourism - **HB 1317, HB 2239, HB 2294, HB 3502**

Elections - **HB 1381, HB 2319**

Energy Resources - **HB 1920**

Environmental Regulation - **HB 1391, HB 1742, HB 2293**

Government Reform - **HB 1106, HB 3070, HB 3430**

Higher Education - **HB 1238, HB 3215, HB 3924**

Human Services - **HB 1385**

Insurance - **HB 839, HB 1372, HB 2759, SB 471, SB 611, SB 1253**

Land and Resource Management - **HB 3057, HB 3624, HJR 30**

Law Enforcement - **HB 489**

Licensing and Administrative Procedures - **HB 1156, HB 2206**

Natural Resources - **HB 556, HB 1283, HB 1803, HB 1918, HB 2159, HB 2734, HB 3018, HB 3098, SB 622**

Pensions and Investments - **HB 2358, HB 2751, HCR 187, SB 457**

Public Health - **HB 2471**

Regulated Industries - **HB 3644**

State Affairs - **HCR 193, HCR 194**

Transportation - **HB 2944**

Urban Affairs - **HB 2099, HB 2353, HB 3498, SB 189, SB 339, SB 342, SB 653**

ENGROSSED

April 19 - HB 56, HB 100, HB 120, HB 198, HB 210, HB 264, HB 488, HB 563, HB 730, HB 818, HB 892, HB 948, HB 1052, HB 1056, HB 1110, HB 1216, HB 1244, HB 1303, HB 1420, HB 1459, HB 1471, HB 1522, HB 1652, HB 1694, HB 1768, HB 1844, HB 1853, HB 1929, HB 1930, HB 1973, HB 2066, HB 2174, HB 2176, HB 2233, HB 2267, HB 2328, HB 2406, HB 2426, HB 2503, HB 2514, HB 2590, HB 2708, HB 2727, HB 2840, HB 2931, HB 3191, HB 3193, HB 3295, HB 3392, HB 3614, HB 3718, HB 3787, HB 3972, HCR 70, HCR 159, HB 371

April 20 - HB 447, HB 588, HB 991, HB 1590, HB 1739, HB 2398, HB 2484, HB 3089, HB 3189, HB 3437, HJR 54

ENROLLED

April 20 - HB 1967

SENT TO THE GOVERNOR

April 19 - HCR 17, HCR 180, HCR 190

House Floor Debate, 3rd Reading

April 24, 2007

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TEXAS HOUSE OF REPRESENTATIVES

4/24/07 House Floor Debate, 3rd Reading

TIME: 1:14:58.5 ' 1:44:02.0

TRANSCRIBED ON APRIL 24, 2012

House Floor Debate, 3rd Reading

April 24, 2007

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1 CLERK: HB 218 by Brown of Kaufman relating
2 to requiring a voter to present proof of identification.

3 SPEAKER: The Chair recognizes
4 Representative Brown of Kaufman.

5 REPRESENTATIVE BROWN: Mr. Speaker, Members,
6 this is the bill that we debated thoroughly yesterday,
7 as well as last session, and I just need to clarify one
8 thing.

9 There was a question asked very late in the
10 debate, in fact, the very last question last night that
11 we got a little -- hello -- that we got a little
12 confused about and I'd like to clarify.

13 If you show up at the polls to vote, under
14 my bill, you have your photo ID or two forms of nonphoto
15 ID, you happen not to have your voter registration card
16 but you are on the books as a registered voter, you will
17 not be required to vote a provisional ballot. You'll
18 vote a regular ballot.

19 So, I think -- I just wanted to make sure
20 that everyone understood that.

21 And so, I move passage on the 3rd reading.
22 Thank you very much.

23 SPEAKER: Members, if you want to state for
24 or against this bill, come on down. We need to know.
25 Any of the bills. Let us know ahead of time, please.

House Floor Debate, 3rd Reading

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1 The Chair recognizes Ms. Giddings in
2 opposition.

3 REPRESENTATIVE GIDDINGS: Thank you,
4 Mr. Speaker and Members.

5 To Representative Brown and my good friend,
6 Leo Berman, and my committee members, Mr. Bohac and
7 others who have worked on this bill, let me say from the
8 very beginning that I know that your intentions here are
9 good and honorable, and I want to say that again.

10 I truly believe that your intentions are
11 good and honorable, and I believe it is a sincere
12 attempt on your part to stop voter fraud. None of us
13 want that.

14 Corruption in voting, voter fraud is in no
15 one's interest but, in my view, there is no problem. We
16 don't have any documented evidence of a great deal of
17 voter fraud.

18 Conversely, my own point of reference is my
19 experience. I live in a city but I reside in a
20 different school district and, on occasion, there have
21 been things on the ballot that only have to do with that
22 particular school district. I vote at a place other
23 than my usual voting precinct when that happens.

24 On one occasion, with my voter registration
25 in hand, I was told I could not vote without my driver's

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1 license.

2 I said, "That's not right." I even went so
3 far as to say, "Ma'am, there is no question as to who I
4 am. I'm an elected official, and there are lots of
5 people in here who know me. I have my voter
6 registration card," but, again, I was denied the right
7 to vote.

8 I had to call the elections office to
9 straighten out that matter because I refused to give my
10 driver's license.

11 Nothing pains me more in this House than to
12 be forced to talk about being black in America, and that
13 is what I must talk about because that's my experience.
14 That is the lens that I see through.

15 And even on those days when I try my very
16 best not to look through that lens, I'm often forced to
17 do it.

18 I keep praying that the day is near when we
19 will be colorblind but that day is not here yet. If you
20 look through my lens and if you have lived my
21 experience -- and mine has been a fairly sheltered
22 experience even so -- I am not confused about the right
23 to vote and the absolute need to fight and not dismantle
24 that right, a right that belongs to every American.

25 We believe in it so strongly that we send

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1 our military to risk their lives so that those in other
2 countries may also have the right to vote.

3 I would like to share with you some words
4 with -- from Langston Hughes. And I quote, Langston
5 Hughes said, "Let America be America again. Let it be
6 the dream it used to be. Let it be the pioneer on the
7 plain seeking a home where he himself is free."

8 But then listen for the refrain. "America
9 never was America to me. Oh, let my land be a land
10 where liberty is crowned with no false patriot wreath
11 but opportunity is real and life is free, equality is in
12 the air we breathe. There has never been equality for
13 me, nor freedom in this homeland of the free. Oh, let
14 America be America again, the land that never has been
15 yet and yet must be the land where every man is free,
16 the land that's mine, the poor man, Indian" --

17 SPEAKER: Members -- Members, could you take
18 your conversations outside the rail so Ms. Giddings can
19 have your attention, please.

20 REPRESENTATIVE GIDDINGS: "Oh, let America
21 be America again, the land that never has been yet and
22 yet must be, the land where every man is free, the land
23 that's mine, the poor man, the Indian, negro, me.
24 America, oh, yes, I say it plain, America never was
25 America to me and yet I swear this oath, America will be

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1 America to me." End quote.

2 Members, for the sake of this great country,
3 for my children and for yours, because you cannot erode
4 one freedom without eroding a little of yours, I ask
5 that your vote be one that encourages freedom, that
6 encourages the right to vote, that values all Americans
7 and all Texans. I ask you to join me in voting against
8 this bill.

9 SPEAKER: The Chair recognizes Mr. Alonzo.

10 REPRESENTATIVE ALONZO: Thank you,
11 Mr. Speaker, Members.

12 Members, I rise also to speak against this
13 bill. I think, as we discussed yesterday, this bill is
14 the equivalent of voting on the Voting Rights Act, and
15 that's what we talked about yesterday because on one
16 point, it talks about participation and, you know, when
17 we participated in the political process, the three --
18 there's three ways to participate; for, against and not
19 participating.

20 What this bill does is discourage
21 participation, discourage participation. Why does it do
22 that, as we talked about all day yesterday, asking so
23 many IDs to vote. The most important right we have here
24 in the United States and Texas is to vote.

25 The way that we can exercise power as we

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1 have here and participate in the process is to vote.
2 The way we can let our opinions known and have laws
3 enacted is to vote and put people in office that are
4 going to make this decision.

5 What this bill does, Members, is discourage
6 the participation of the voters in the political
7 process, discourage the participation in the electoral
8 process.

9 This is wrong, Members. This is wrong. We
10 shouldn't be discouraging people from participating. We
11 should encourage people to participate.

12 And yet it has been said because of fraud
13 that there is no -- no overabundance of evidence for
14 this. And what has been said and what was the debate
15 about and why was this legislation brought forward, to
16 discourage people from voting, but not only to
17 discourage people from voting, I think it discriminates
18 people in voting, and that's why I brought an amendment
19 forward to say that Texas, through the Attorney
20 General's office, should review this legislation to see
21 if it's against the law.

22 And the only, only reason that was argued
23 against my amendment was that we are going to ask
24 Washington to review whether this law discriminated or
25 not. And the reason I brought forward -- and one day,

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1 Members, I know that one day we'll not only have to ask
2 Washington to do what we do but Texas will review what
3 we do, as I said yesterday, we're doing.

4 Members, finally, I say this issue was
5 decided in the last couple of years in Washington.
6 Washington decided to extend the Voting Rights Act for
7 another few years. So, as in Washington, in a
8 bipartisan fashion, they approved the Voting Rights Act,
9 I ask you, in a bipartisan fashion, that we vote no on
10 this bill today.

11 Thank you.

12 SPEAKER: The Chair recognizes
13 Representative Anchia.

14 REPRESENTATIVE ANCHIA: Thank you,
15 Mr. Speaker, Members. It is a day later and the authors
16 of this bill still haven't provided any evidence of
17 noncitizen -- excuse me -- of voter impersonation that
18 would be covered by this bill. A day later and there's
19 no provision in the bill to make sure that 2 million
20 Texans are not disenfranchised.

21 It's a day later, and this bill is still a
22 bad bill. I would ask you to vote against this bill.

23 Thank you.

24 SPEAKER: The Chair recognizes Mr. Berman.

25 REPRESENTATIVE BERMAN: Mr. Speaker,

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1 Members, we had lots of research done and we received a
2 lot of information concerning voter fraud. When
3 Mr. Anchia said that there was no evidence whatsoever,
4 when you have a couple of hundred people voting from the
5 grave -- we have the list of names of individuals voting
6 from the grave -- that, my friends, is voter fraud.
7 There's just no question about it.

8 We also have over 4,000 names that were
9 provided by Mr. Bettencourt, the elections administrator
10 down in Harris County. Those people are actually
11 dropped from the rolls because they're nonU.S. citizens.

12 And the way they were found really was very
13 simple. There are two lists from whom jury pools are
14 selected, first, the voter registration rolls and,
15 second, from the driver's license rolls.

16 When people would receive their jury summons
17 in Houston, they checked the box marked, "I am not a
18 U.S. citizen." They received over 4,000 of those
19 particular cards.

20 The elections administrator in Harris County
21 matched those returned forms against the voter
22 registration list and found that there were over 4,000
23 individuals who were actually on the voter registration
24 list who were not qualified to vote, although 84 had
25 already voted by that time. They were dropped from the

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1 rolls.

2 The reason that they were not prosecuted,
3 according to the former District Attorney of Harris
4 County, was that if he had a photo ID bill at that
5 particular time back in the late 1990s and if we had a
6 photo ID bill in existence at this particular time, then
7 they would have a real charge to levy against those
8 individuals. They could charge them and prosecute them
9 in the court system and convict them for voter fraud.

10 We have all kinds of voter fraud in the
11 state. We have voter fraud by mail ballot. We have
12 voter fraud by dead people voting. And this has been a
13 tradition in Texas for many, many years, as you probably
14 know.

15 And we also have voter fraud by individuals
16 being on the voter registration list who are
17 noncitizens.

18 I think Ms. Brown stood here before you
19 yesterday and she showed you there are over 14 million
20 driver's licenses in the State of Texas. There's
21 another 3.9 million ID cards issued in the State of
22 Texas. That's almost 18 million cards that are already
23 out there. We only have 12 and a half million
24 registered voters in the State of Texas.

25 When we passed this bill yesterday, we took

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1 a step forward to prevent voter fraud in the State of
2 Texas, and it was nothing but a good vote.

3 Mr. Speaker, Members, I ask you today to
4 vote again for House Bill 218 to keep preventing voter
5 fraud in Texas and to continue it in the future.

6 SPEAKER: Ms. Brown, for what purpose?

7 REPRESENTATIVE BROWN: Would the gentleman
8 yield for a question?

9 SPEAKER: Will you yield, Mr. Berman?

10 REPRESENTATIVE BERMAN: I yield.

11 REPRESENTATIVE BROWN: Mr. Berman, why do
12 you think it is that it's so hard to prosecute for voter
13 fraud or for impersonating a voter?

14 REPRESENTATIVE BERMAN: Well, for the most
15 part, the District Attorneys, especially in the large
16 counties like Harris County, don't have the physical
17 resources to prosecute some 4,000 people when they are
18 prosecuting murders and rapists and people who are
19 burglars and larcenists and -- they are prosecuting
20 those individuals who are committing crimes against
21 persons.

22 In my mind, voter fraud is like a white
23 collar crime but it's also a crime against the person
24 because it takes away from our precious right to vote
25 and it makes our vote a lot less safer than it is.

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1 I know after spending a couple of years in
2 Vietnam in combat that people around the world would die
3 to have the right to vote as we do here in the United
4 States. And I was proud to be over there to help
5 protect that right.

6 REPRESENTATIVE BROWN: And we're grateful to
7 you for your service.

8 There's one other thing that I think enters
9 into this. In order for someone to actually testify
10 that there's been fraud, that person has to witness that
11 person voting and knowing -- and know that that person
12 is not who they represented themselves as.

13 So, it's just extremely difficult. You just
14 don't -- you don't have someone at the polls witnessing
15 the act who can go and testify about it. The elections
16 workers are -- have plenty -- all they can do. Believe
17 me, I've worked a number of elections as an election
18 judge, and I know how busy you can be when there's a
19 long line and you're having to verify voters and get
20 them to sign the proper form and issuing the ballots and
21 telling them where to vote and all that sort of thing,
22 and you're not -- that's just not something that you can
23 handle at that time is to be looking for fraud and being
24 able to document fraud. You have to just try to get
25 those people voted, and so, it's extremely difficult.

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1 REPRESENTATIVE BERMAN: Well, Betty, you're
2 right. And it's an amazing thing that a state as large
3 as Texas and a state as great with a great economy as we
4 do, we have no system in place today to verify whether a
5 name on a voter registration card is correct or not. We
6 don't have anything like that.

7 Almost every country in the world has
8 verification for voter registration and has verification
9 when people actually come to vote.

10 And, you know, what I'm saying and what I
11 told many people yesterday, I don't see why if a person
12 has a voter registration card and they're able to take
13 that voter registration card to the polling place, why
14 they can't take an electric bill or a water bill or a
15 gas bill or just one other -- one or two other documents
16 along with their voter registration card to show that
17 they are indeed the name of the person on the voter
18 registration card.

19 Without any other system to verify whether a
20 voter is the person on the voter registration card, it's
21 very difficult and it's almost an impetus toward voter
22 fraud in Texas.

23 And we have had voter fraud as long as Texas
24 has been a state, going all the way back to the
25 elections of LBJ and Ford, and we know about those voter

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1 frauds in Texas.

2 REPRESENTATIVE BROWN: Aren't there more and
3 more states that are passing legislation to implement ID
4 at the polls?

5 REPRESENTATIVE BERMAN: Yes. Recently, nine
6 states passed photo ID bills.

7 And the amazing thing about it is in every
8 one of those states, voter turnout increased and it did
9 not decrease. And that's very important.

10 In every one of those states -- like Hawaii,
11 Hawaii is voting at 70 percent voter turnout. Texas is
12 at 44.3 percent. In every state that passed the photo
13 ID bill, they are exceeding Texas by far in voter
14 turnout at the polls.

15 REPRESENTATIVE BROWN: Don't you think this
16 was a surprise to many people because there were such
17 dire predictions about -- with the institution of -- or
18 instigation of the voter -- photo ID at the polls, there
19 were dire predictions about how the participation would
20 decrease, and just the opposite happened. So, I think
21 there were a lot of people that were very surprised
22 about this.

23 REPRESENTATIVE BERMAN: Well, some of the
24 things that we got on our desk yesterday really bothered
25 me. One thing that said having people take an electric

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1 bill to a polling place or a water bill is insidious.
2 That was the word that was used, it's an insidious act
3 to ask people to take a document to the voting place to
4 actually identify themselves.

5 I'm very proud to take any document to the
6 voting place to identify myself, and I think
7 yesterday -- we allow service members who were wounded
8 in combat to actually just go by that process but even
9 those service men who were wounded in combat would be
10 glad to take out a driver's license or any other kind of
11 photo ID because they risked their lives to do that and
12 preserve our right to vote.

13 REPRESENTATIVE BROWN: I'm sure they would
14 be and especially with the disabled veterans who are on
15 some kind of disability from the government, I think
16 they would almost have to have a photo ID of some kind
17 to be able to draw this disability. Am I wrong there or
18 is that the case?

19 REPRESENTATIVE BERMAN: Most veterans, if
20 you're retired from the military -- I have a retired
21 card --

22 SPEAKER: (Inaudible) raised a point of
23 order. The gentleman's time is expired. The point of
24 order is well taken and sustained.

25 The Chair recognizes Mr. Christian.

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1 REPRESENTATIVE CHRISTIAN: Thank you, Mr.
2 Speaker. I think it's come time in our session that we
3 start looking to what Americans and Texans really want.
4 What they want is the ability to raise their children in
5 an environment where they have the American dream and
6 opportunity. That's provided for years of war that
7 we've fought across the world to allow us to be able to
8 vote, to have a voice and to have an opinion and to
9 participate in this system that our veterans who we
10 honor have allowed to have in this country. Being able
11 to vote is that basic right.

12 I know it was mentioned yesterday in Iraq
13 that we saw the people come away proud with their purple
14 fingers as they expressed their pride in being able to
15 vote. And to think those people went and actually were
16 sitting there risking their lives because they didn't
17 know that there would be guns shooting, as there are
18 every day in that place, to be able to have that right
19 to vote.

20 In this institution of Texas, we have the
21 privilege of doing that. These people had something
22 invested as our veterans, as our country, as our
23 families have.

24 I think this bill allows us again to have
25 the security and pride that it is we Texans that are

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1 voting.

2 And if you start allowing everybody that
3 walks into any place, though that may not be the mass
4 situation as was expressed, if we continue to allow
5 anybody that walks in to have the opportunity that we
6 have had our veterans both give their lives and
7 sacrifice their lives for, it takes away that value in
8 the ability to be able to vote.

9 That's why today we have this opportunity in
10 this bill to confirm to those that come after us that
11 yes, it is a privilege, it is an earned privilege, it is
12 a privilege we've been handed, it's not just a gift that
13 we give away with no strings attached and anybody can do
14 it and we need to make it just as easy for anybody just
15 to walk in and cast that precious ballot.

16 You know, when we have children, we try to
17 teach them in many cases while daddy wants to give them
18 everything we can, we understand that many times that
19 lesson we need to teach is that if you earn it, if
20 there's something that you have to do that makes it a
21 little bit more effort, then you value that more.

22 And that's why this bill is important. We
23 want to put value, pride back into voting in this state.

24 And our constituents are very concerned
25 across this state that we protect their right to vote

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1 because they feel -- even though the facts may not show
2 it, the feeling is there for those people who elected us
3 to come to this House that their vote is no longer safe
4 and secure, that somebody else is stealing that
5 privilege that we have earned and we have precious in
6 this country, and because they feel it, they are asking
7 us to up that bar to make sure that this value of a vote
8 is now more secure in the State of Texas.

9 We want to take care of those people that
10 come to this country but we want them to participate
11 legally in the system. We want them to be able to value
12 that vote as we do as citizens but to not monitor, to
13 not put up standards, to make it where we are not
14 watching -- our voters all across this state are saying,
15 "Protect my ballot," and that's what this bill does. It
16 protects it. It sets a standard. It sets a purpose for
17 which we, as a legislature, are here, and that's to
18 secure the rights, to secure those efforts our veterans
19 have fought, and this bill does that.

20 REPRESENTATIVE BROWN: Mr. Chairman? Excuse
21 me. Mr. Speaker? I'm sorry.

22 SPEAKER: Ms. Brown, for what purpose?

23 REPRESENTATIVE BROWN: Will the gentleman
24 yield for questions?

25 SPEAKER: Mr. Christian, do you yield?

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1 REPRESENTATIVE CHRISTIAN: Yes, sir, I do.

2 SPEAKER: The gentleman yields.

3 REPRESENTATIVE BROWN: Mr. Christian, are
4 you aware of the recent poll that was taken of Texans,
5 asking them if they thought we should have voter ID --
6 photo ID at the polls?

7 REPRESENTATIVE CHRISTIAN: I've been aware
8 of several polls taken but especially I think the one
9 that you're referring to actually shows that 95 percent
10 of voters, 91 percent of Independent, 87 percent of
11 Democrats favor registering voters to show a driver's
12 license. And this was done this year, April 1st through
13 4th, during this legislative session. 90 -- 87 percent
14 of Democrats, 91 percent of Independents and 95 percent
15 of Republicans, almost consistent across the board, want
16 a secure method of protecting their vote.

17 REPRESENTATIVE BROWN: Was that limited to
18 affluent people? Were those the only people that they
19 polled?

20 REPRESENTATIVE CHRISTIAN: No. It was
21 totally across the board, every economic status and
22 totally bipartisan, totally across the board, poor,
23 rich, moderate. Every type of American citizen, every
24 kind of Texan wants protection of their ballot. So,
25 they feel it's important and they feel when they cast a

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1 vote, it really means something.

2 Ms. Brown, if you'll remember several years
3 back, the controversy that existed with our former
4 governor, and there are those that to this day say
5 because of the balloting problem of the (Inaudible)
6 balloting out in Florida that the president really
7 shouldn't be there.

8 Now, while I don't agree with them, I bet
9 there's folks in this room right here today that still
10 question that balloting process in Florida. And today
11 we have the ability to secure that and we have the
12 ability to tell Texans, "Your votes really mean
13 something."

14 REPRESENTATIVE BROWN: Do you know of any
15 really, really close votes that have been decided by
16 just a few votes recently?

17 REPRESENTATIVE CHRISTIAN: There are many
18 votes. Not only the presidential election the last
19 several times has done that, the number one office in
20 our country, but votes all across the state.

21 You take the current governor's race that we
22 had in this state was a very close election, you know,
23 just a few votes one way or the other. That's why we
24 must make sure that everybody's vote is important, is
25 cast, is not diluted unintentionally.

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1 REPRESENTATIVE BROWN: Are you telling me
2 that even if there is a slight amount of voter fraud
3 that would allow these close elections to be decided by
4 an illegal vote that you don't think that's what we
5 should be allowing?

6 REPRESENTATIVE CHRISTIAN: This is what our
7 constituents in the 87 percent across the state have
8 asked us, "Make sure, Legislature, that my vote means
9 something and that my desire -- my vote can't be stolen
10 away by somebody else."

11 REPRESENTATIVE BROWN: Okay. Thank you,
12 Mr. Christian.

13 REPRESENTATIVE CHRISTIAN: Thank you.

14 SPEAKER: The Chair recognizes Ms. Brown to
15 close. The Chair recognizes Ms. Brown.

16 REPRESENTATIVE BROWN: Mr. Speaker, Members,
17 just remember what this vote is all about. It's the
18 integrity of the voting process and increasing our
19 voters' confidence in that process so that we have
20 greater participation.

21 I move passage. Thank you.

22 REPRESENTATIVE VEASEY: Mr. Speaker -- Mr.
23 Speaker, does the gentlelady yield?

24 SPEAKER: Mr. Veasey, the lady said she's
25 yielded the floor.

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1 All members, the question occurs on the
2 final passage of House Bill 218. All those in favor
3 vote aye, all those opposed vote nay. It's a record
4 vote. Clerk will ring the bell.

5 Members, show Mr. Flores who is present who
6 would vote no, Mr. Branch, who is absent, would vote
7 yes.

8 Have all voted?

9 There being 76 ayes and 69 nays and 2
10 present not voting, House Bill 218 has finally passed.
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JA_007992

TX_00212615

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1 STATE OF TEXAS *

2 COUNTY OF HARRIS *

3

4 I, the undersigned certified shorthand reporter
5 and notary public in and for the State of Texas, certify
6 that the facts stated in the foregoing pages are true
7 and correct.

8

9 I further certify that I am neither attorney or
10 counsel for, nor related to or employed by, any of the
11 parties to the action in which this matter is taken and,
12 further, that I am not a relative or employee of any
13 counsel employed by the parties hereto, or financially
14 interested in the action.

15

16 SUBSCRIBED AND SWORN TO under my hand and seal of
17 office on this the 25th day of April, 2012.

18

19

20 EDITH A. BOGGS, CSR
21 Certified Shorthand Reporter and
22 Notary Public in and for
the State of Texas

23

Notary Expires: 5-10-2012
23 Certificate No. 3022
Expiration date: 12-31-2013
24 Esquire Deposition Solutions, LLC
Registration No. 3

25

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HOUSE JOURNAL

EIGHTIETH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

SIXTY-FIRST DAY — TUESDAY, APRIL 24, 2007

The house met at 10 a.m. and, at the request of the speaker, was called to order by Representative Farabee.

The roll of the house was called and a quorum was announced present (Record 620).

Present — Mr. Speaker; Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Absent, Excused — Moreno.

The invocation was offered by Reverend Jimmy Drennan, St. Paul Catholic Church, San Antonio, as follows:

Loving and Faithful God, we turn to you on this morning and begin by acknowledging how wonderful and generous you are. We thank you for the gift of life and the boundless resources you provide our world. As we gather this day to contemplate the choices we will make, we choose to first pray for the needs of others. We pray for an end to the violence and war that plague our world. We pray for the soldiers from all countries who have been summoned to fight for peace and justice. We pray for those who have given their lives in combat and for all victims of war. May we soon find lasting peace.

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Faithful God, we still pray for the victims of the Virginia Tech shooting, for those who died, those who are healing, and those who are struggling to put their lives back in order. Give courage and strength to each of them and assist us all in the healing so needed in our country.

Lord and God, we now direct our prayers to the elected officials of our state—these representatives who gather this day to make choices for the needs of all people in our state. Inspire them not to focus on a few but on the whole. Give them limitless sight and age-old wisdom to realize we must step back and view the whole tapestry of our state, our needs and hopes, our strength and weakness, our young and old, our native born and our immigrant, to appreciate and serve the needs of everyone.

Give them understanding to realize the choices they make this day and everyday may provide the opportunity for a child to be born, a family to obtain a home, a high school graduate to attend college, a single mother to earn a living wage, an elderly Texan to die with dignity. Give them the ability to understand the value and weight of each choice they make—so profound they may approach every choice as if it were the first choice, the last choice, and the only choice they will ever make in their legislative career.

Your blessings we ask upon their work, the blessings of the God who created us, the God who redeemed us, and the God who sanctifies us, both now and forever and ever. Amen.

The chair recognized Representative Martinez Fischer who led the house in the pledges of allegiance to the United States and Texas flags.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for today and the remainder of the week because of illness:

Moreno on motion of Escobar.

CAPITOL PHYSICIAN

The chair recognized Representative Kolkhorst who presented Dr. Henry Boehm of Brenham as the "Doctor for the Day."

The house welcomed Dr. Boehm and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

(Speaker in the chair)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 1615 - ADOPTED (by Martinez Fischer)

Representative Martinez Fischer moved to suspend all necessary rules to take up and consider at this time **HR 1615**.

The motion prevailed.

The following resolution was laid before the house:

HR 1615, Recognizing Father Jimmy David Drennan for his service as Pastor of the Day on April 24, 2007.

HR 1615 was read and was adopted.

(D. Howard in the chair)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence temporarily for today because of important business in the district:

Branch on motion of Straus.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 25).

HR 369 - ADOPTED (by Berman)

Representative Berman moved to suspend all necessary rules to take up and consider at this time **HR 369**.

The motion prevailed.

The following resolution was laid before the house:

HR 369, Congratulating The University of Texas at Tyler baseball team on winning a Jostens/National Association of Division III Athletic Administrators Community Service Award.

HR 369 was read and was adopted.

On motion of Representatives Merritt and Hopson, the names of all the members of the house were added to **HR 369** as signers thereof.

(Hardcastle in the chair)

INTRODUCTION OF GUESTS

The chair recognized Representative Berman who introduced players of The University of Texas at Tyler baseball team.

HR 1607 - ADOPTED (by Hodge)

Representative Hodge moved to suspend all necessary rules to take up and consider at this time **HR 1607**.

The motion prevailed.

The following resolution was laid before the house:

HR 1607, Honoring boxer Angelica "Angel" Martinez of Dallas.

HR 1607 was read and was adopted.

On motion of Representative McClendon, the names of all the members of the house were added to **HR 1607** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Hodge who introduced Angelica "Angel" Martinez, her mother Enriqueta Martinez, and Lindsay Throp.

HR 1654 - ADOPTED (by Patrick)

Representative Patrick moved to suspend all necessary rules to take up and consider at this time **HR 1654**.

The motion prevailed.

The following resolution was laid before the house:

HR 1654, Welcoming graduate students and faculty from The University of Texas at Arlington to the State Capitol.

HR 1654 was adopted.

INTRODUCTION OF GUESTS

The chair recognized Representative Patrick who introduced faculty from The University of Texas at Arlington.

REGULAR ORDER OF BUSINESS SUSPENDED

On motion of Representative Kuempel and by unanimous consent, the reading and referral of bills was postponed until just prior to adjournment.

HR 15 - READ (by Callegari)

The chair laid out and had read the following previously adopted resolution:

HR 15, In memory of Walter Max Mischer of Houston.

HR 15 - MOTION TO ADD NAMES

On motion of Representative Gallego, the names of all the members of the house were added to **HR 15** as signers thereof.

INTRODUCTION OF GUESTS

The chair recognized Representative Callegari who introduced family members of Walter Max Mischer.

HCR 168 - ADOPTED (by Strama)

Representative Strama moved to suspend all necessary rules to take up and consider at this time **HCR 168**.

The motion prevailed.

The following resolution was laid before the house:

HCR 168, Extending appreciation to the professionals of the juvenile probation system on Texas Juvenile Probation Day at the State Capitol.

HCR 168 was adopted.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 1443 ON SECOND READING (by J. Davis)

CSHB 1443, A bill to be entitled An Act relating to restrictions on the interchange of transplant immunosuppressant drugs.

CSHB 1443 was read second time on April 18 and was postponed until 2 p.m. April 23.

Representative J. Davis moved to postpone consideration of **CSHB 1443** until 9 a.m. Friday, April 27.

The motion prevailed.

HB 1556 ON SECOND READING (by Pickett)

HB 1556, A bill to be entitled An Act relating to the management of certain public land.

HB 1556 was read second time on March 20, postponed until March 26, postponed until April 17, and was again postponed until 10 a.m. today.

Representative Pickett moved to postpone consideration of **HB 1556** until 10 a.m. Tuesday, May 8.

The motion prevailed.

CSSB 370 ON SECOND READING (Eissler - House Sponsor)

CSSB 370, A bill to be entitled An Act relating to a school district employee's immunity from liability and responsibility for certain materials.

CSSB 370 was considered in lieu of **CSHB 974**.

CSSB 370 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 974 - LAID ON THE TABLE SUBJECT TO CALL

Representative Eissler moved to lay **CSHB 974** on the table subject to call.

The motion prevailed.

**MAJOR STATE CALENDAR
HOUSE BILLS
THIRD READING**

The following bills were laid before the house and read third time:

(Isett in the chair)

**HB 218 ON THIRD READING
(by B. Brown, Berman, Bohac, Riddle, et al.)**

HB 218, A bill to be entitled An Act relating to requiring a voter to present proof of identification.

(Speaker in the chair)

A record vote was requested.

HB 218 was passed by (Record 621): 76 Yeas, 69 Nays, 2 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Flynn; Gattis; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Hill; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Riddle; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Menendez; Merritt; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Strama; Thompson; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C); Flores.

Absent, Excused — Branch; Moreno.

Absent — Creighton.

PAIRED VOTES

Flores (present), who would vote no, with Branch (absent), who would vote yes.

STATEMENT OF VOTE

When Record No. 621 was taken, I was in the house but away from my desk. I would have voted yes.

Creighton

GENERAL STATE CALENDAR SENATE BILLS THIRD READING

The following bills were laid before the house and read third time:

SB 740 ON THIRD READING (Driver, Latham, et al. - House Sponsors)

SB 740, A bill to be entitled An Act relating to personnel records of commissioned officers of the Department of Public Safety of the State of Texas.

A record vote was requested.

SB 740 was passed by (Record 622): 144 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Moreno.

Absent — Garcia; Howard, C.; Pierson.

STATEMENT OF VOTE

When Record No. 622 was taken, I was in the house but away from my desk. I would have voted yes.

Garcia

SB 657 ON THIRD READING
(Puente - House Sponsor)

SB 657, A bill to be entitled An Act relating to the threshold amount at which certain water districts are required to solicit competitive bids before awarding certain contracts and to the ability of such districts to enter those contracts.

A record vote was requested.

SB 657 was passed by (Record 623): 145 Yeas, 0 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Brown, B.; Brown, F.; Burnam; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Farrar; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Branch; Moreno.

Absent — Hodge; Pierson.

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business in the district:

Menendez on motion of Pickett.

GENERAL STATE CALENDAR
HOUSE BILLS
THIRD READING

The following bills were laid before the house and read third time:

HB 2136 ON THIRD READING
(by Hancock, et al.)

HB 2136, A bill to be entitled An Act relating to public disclosure of student referrals for services made by counselors in public schools.

A record vote was requested.

HB 2136 was passed by (Record 624): 73 Yeas, 62 Nays, 3 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bohac; Bonnen; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Delisi; Deshotel; Driver; Eissler; Elkins; Flores; Flynn; Gattis; Haggerty; Hamilton; Hancock; Hardcastle; Hartnett; Heflin; Hilderbran; Howard, C.; Hughes; Isett; Jackson; Keffer; King, P.; Kolkhorst; Krusee; Latham; Laubenberg; Macias; Madden; McCall; McClendon; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Pickett; Pitts; Riddle; Ritter; Smith, T.; Smith, W.; Smithee; Solomons; Swinford; Talton; Taylor; Truitt; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Dunnam; Dutton; Eiland; England; Escobar; Farabee; Farias; Farrar; Frost; Gallego; Garcia; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Harless; Hernandez; Herrero; Hochberg; Hodge; Hopson; Howard, D.; Jones; King, T.; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McReynolds; Miles; Naishtat; Oliveira; Olivo; Ortiz; Peña; Phillips; Pierson; Puente; Quintanilla; Raymond; Rodriguez; Strama; Straus; Thompson; Turner; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C); Harper-Brown; Homer.

Absent, Excused — Branch; Menendez; Moreno.

Absent — Bailey; Davis, J.; Dukes; Hill; King, S.; Kuempel; Noriega; Rose; Vaught.

STATEMENTS OF VOTE

When Record No. 624 was taken, I was in the house but away from my desk. I would have voted no.

Dukes

I was shown voting yes on Record No. 624. I intended to vote no.

Flores

I was shown voting present, not voting on Record No. 624. I intended to vote no.

Homer

When Record No. 624 was taken, my vote failed to register. I would have voted no.

S. King

When Record No. 624 was taken, I was temporarily out of the house chamber. I would have voted yes.

Kuempel

I was shown voting yes on Record No. 624. I intended to vote no.

McClendon

When Record No. 624 was taken, I was in the house but away from my desk. I would have voted no.

Rose

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSSB 277 ON SECOND READING (Harper-Brown - House Sponsor)

CSSB 277, A bill to be entitled An Act relating to the use in an advertisement of a name or picture of a member of the United States armed forces or the state military forces; providing a criminal penalty.

CSSB 277 was considered in lieu of **CSHB 331**.

CSSB 277 was read second time and was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 331 - LAID ON THE TABLE SUBJECT TO CALL

Representative Harper-Brown moved to lay **CSHB 331** on the table subject to call.

The motion prevailed.

MAJOR STATE CALENDAR HOUSE BILLS SECOND READING

The following bills were laid before the house and read second time:

CSHB 3140 ON SECOND READING (by Flynn, B. Cook, Truitt, Kolkhorst, McClendon, et al.)

CSHB 3140, A bill to be entitled An Act relating to the review and functions of the Veterans' Land Board.

CSHB 3140 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 3249 ON SECOND READING
(by Truitt, B. Cook, McClendon, Kolkhorst, and Flynn)

HB 3249, A bill to be entitled An Act relating to the powers and duties of, and the entities reviewed by, the Sunset Advisory Commission.

Amendment No. 1

Representative Truitt offered the following amendment to **HB 3249**:

Amend **HB 3249** by adding the following ARTICLE, appropriately numbered, and renumbering the subsequent ARTICLES and SECTIONS of the bill accordingly:

ARTICLE _____. ENTITY GIVEN 2009 SUNSET DATE

SECTION _____.01. PARKS AND WILDLIFE DEPARTMENT. Section 11.0111, Parks and Wildlife Code, is amended to read as follows:

Sec. 11.0111. SUNSET PROVISION. The Parks and Wildlife Department is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2009 ~~[2013]~~.

Amendment No. 1 was adopted.

HB 3249, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

GENERAL STATE CALENDAR
HOUSE BILLS
SECOND READING

The following bills were laid before the house and read second time:

CSHB 2605 ON SECOND READING
(by Hochberg, Woolley, and Hernandez)

CSHB 2605, A bill to be entitled An Act relating to the existence of a common nuisance on premises for which certain alcoholic beverage permits or licenses are held or sought.

CSHB 2605 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1439 ON SECOND READING
(by Chisum)

CSHB 1439, A bill to be entitled An Act relating to authorizing the Texas Department of Public Safety to establish a driver record monitoring pilot program and enter into contracts for the periodic reporting of certain information in the department's driver's license files; providing penalties.

CSHB 1439 - POINT OF ORDER

Representative Dunnam raised a point of order against further consideration of **CSHB 1439** under Rule 4, Section 18(c) of the House Rules on the grounds that the committee minutes are incorrect.

The point of order was withdrawn.

Representative Chisum moved to postpone consideration of **CSHB 1439** until the end of today's calendar.

The motion prevailed.

HB 461 ON SECOND READING

(by Miller, Kolkhorst, Hughes, Anderson, R. Cook, et al.)

HB 461, A bill to be entitled An Act relating to prohibiting mandatory participation in an animal identification system.

Representative Miller moved to postpone consideration of **HB 461** until the end of today's calendar.

The motion prevailed.

HB 1355 ON SECOND READING

(by Gattis, Anchia, Naishtat, Delisi, Rose, et al.)

HB 1355, A bill to be entitled An Act relating to dog attacks on persons; creating an offense.

Amendment No. 1

Representative Gattis offered the following amendment to **HB 1355**:

Amend **HB 1355** (House Committee Report) on page 3, by striking lines 22 through 25 and substituting the following:

(e) It is a defense to prosecution under Section 822.005(a) that the person attacked by the dog was at the time of the attack engaged in conduct prohibited by Chapters 19, 20, 21, 22, 28, 29, and 30, Penal Code.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Gattis offered the following amendment to **HB 1355**:

Amend **HB 1355** (House Committee Report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Subchapter A, Chapter 822, Health and Safety Code, is amended by adding Section 822.0011 to read as follows:

Sec. 822.0011. APPLICATION TO CERTAIN PROPERTY. For purposes of this subchapter, a person's property includes property the person is entitled to possess or occupy under a lease or other agreement.

Amendment No. 2 was adopted.

Amendment No. 3

Representative Miles offered the following amendment to **HB 1355**:

Amend **HB 1355** (House Committee Report) on page 1, line 5, following the period, by inserting "This Act is also dedicated to the memory of Mrs. Fannie Pearl Pharms, Ms. Cheryl Marie Floyd, and all other victims of unprovoked dog attacks."

Amendment No. 3 was adopted.

Amendment No. 4

Representative Gattis offered the following amendment to **HB 1355**:

Amend **HB 1355** (House Committee Report) on page 3, line 2, between "veterinarian," and "a peace", by inserting "a veterinary clinic employee,".

Amendment No. 4 was adopted.

HB 1355 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE GOOLSBY: Mr. Gattis, I've had over 100 calls and letters concerning this bill, and most of them have been on the first bite. They use the term, "their Pekinese," or "their little puppy." Are those bites, the first bites, are they considered those will be under a \$10,000 fine?

REPRESENTATIVE GATTIS: No, sir. This bill is very narrowly crafted to consider only those most egregious of dog attacks that we think of, those which seriously maim or kill somebody. And so let's say you're riding your bicycle down the street and a dog comes out and bites you on the heel. Even if it drew blood, from that scenario, it would not really fall under this bill. What we're talking about is that type of injury that talks about ripping of flesh, tearing of muscle, would cause somebody to possibly, potentially face death, and would have to go to the hospital because of that. That's the type of injuries that we are talking about. It's defined well in the bill, or death itself. And so we didn't want to criminalize every dog bite, we want to take care of these most serious things that are happening across our state, and I appreciate your question.

GOOLSBY: Okay, so Mr. Gattis, it's obvious I have a lot of small dog lovers, and I'm one of them, in my district. So I can go back and tell them that your answer is no, that they will not be prosecuted for a \$10,000 fine?

GATTIS: This does not affect those, a puppy nip or somebody or something along those lines, a small bite, this is not going to make them subject to anything. What we're talking about, and where this most often comes into play, is we're talking about a dog along the lines of a pit bull, or a rottweiler, or something like that, attacking somebody to where they're in fear of their life scenario or situation.

REMARKS ORDERED PRINTED

Representative Goolsby moved to print remarks between Representative Gattis and Representative Goolsby.

The motion prevailed.

HB 1355, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Laubenberg recorded voting no.)

HR 1625 - ADOPTED
(by Flores)

Representative Flores moved to suspend all necessary rules to take up and consider at this time **HR 1625**.

The motion prevailed.

The following resolution was laid before the house:

HR 1625, Recognizing April 24, 2007, as Texas Charity Day at the State Capitol.

HR 1625 was adopted.

HB 4062 ON SECOND READING
(by Miller)

HB 4062, A bill to be entitled An Act relating to certain administrative duties and responsibilities of the Department of Agriculture.

Amendment No. 1

Representative Miller offered the following amendment to **HB 4062**:

Amend **HB 4062** (House committee printing) on page 1, line 7, by striking "shall" and substituting "may".

Amendment No. 1 was adopted.

HB 4062, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1196 ON SECOND READING
(by Kolkhorst, Parker, et al.)

CSHB 1196, A bill to be entitled An Act relating to restrictions on the use of certain public subsidies.

Amendment No. 1

Representative Kolkhorst offered the following amendment to **CSHB 1196**:

Amend **CSHB 1196** as follows:

(1) On page 1, line 22, strike "bonds".

(2) On page 3, line 22, between "business" and the period, insert ", or by a person with whom the business contracts".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Anchia offered the following amendment to **CSHB 1196**:

Amend **CSHB 1196** on page 2, line 24, by striking "Section 1324a" and substituting "Section 1324a(f)".

Amendment No. 2 was adopted.

Amendment No. 3

Representative Herrero offered the following amendment to **CSHB 1196**:

Amend **CSHB 1196** as follows:

(1) On page 2, strike line 4, and substitute the following:

(4) "Undocumented worker" means an individual who, at the

(2) On page 2, line 12, strike "UNAUTHORIZED ALIENS" and substitute "UNDOCUMENTED WORKERS".

(3) On page 2, line 19, strike "unauthorized alien" and substitute "undocumented worker".

Amendment No. 3 was adopted.

Amendment No. 4

Representative Homer offered the following amendment to **CSHB 1196**:

Amend **CSHB 1196** on page 3, line 18, by striking "may" and substituting "shall".

Amendment No. 4 was adopted.

CSHB 1196, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Alonzo recorded voting no.)

CSHB 1005 ON SECOND READING
(by Giddings)

CSHB 1005, A bill to be entitled An Act relating to the timely submission of a claim for payment by a workers' compensation health care provider.

CSHB 1005 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1472 ON SECOND READING
(by Miller, Orr, R. Cook, et al.)

CSHB 1472, A bill to be entitled An Act relating to the annexation of land for which property taxes are imposed based on the land's value for agricultural or wildlife management purposes.

Amendment No. 1

Representative Miller offered the following amendment to **CSHB 1472**:

Amend **CSHB 1472** as follows:

(1) On page 2, line 6, strike "adjacent" and substitute "adjacent or contiguous".

(2) On page 2, line 7, strike "adjacent" and substitute "adjacent or contiguous".

(3) On page 2, between lines 8 and 9, insert the following:

(d) A provision of a development agreement described by Subsection (b)(1) that restricts or otherwise limits the annexation of all or part of the area that is the subject of the agreement is void if the landowner files any type of subdivision plat or related development document for the area with a governmental entity that has jurisdiction over the area, regardless of how the area is appraised for ad valorem tax purposes.

(e) A development agreement described by Subsection (b)(1) is not a permit for purposes of Chapter 245.

Amendment No. 1 was adopted.

Amendment No. 2

Representative McReynolds offered the following amendment to **CSHB 1472**:

Amend **CSHB 1472** on page 1 as follows:

(1) On line 9, between "USE" and the period, insert "OR AS TIMBER LAND".

(2) On line 15, between "Code" and the period, insert ", or as timber land under Subchapter E of that chapter".

(3) Strike line 24 and substitute "with the use of the area for agriculture, wildlife management, or timber; and".

Amendment No. 2 was adopted.

CSHB 1472, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

LEAVE OF ABSENCE GRANTED

The following member was granted leave of absence for the remainder of today because of important business:

Farrar on motion of Hernandez.

POINT OF ORDER

Representative Thompson raised a point of order against further consideration of the calendar under Rule 6, Section 16 of the House Rules.

The speaker overruled the point of order, and submitted the following statement:

On April 24, 2007, Representative Thompson raised a point of order against further consideration of the house calendar under Rule 6, Section 16, House Rules, on the grounds that **HB 3170** was improperly placed on the calendar and

that its placement rendered the entire calendar ineligible for consideration by the house. Ms. Thompson argued that **HB 3170** should not have appeared on the Daily House Calendar or the Supplemental House Calendar because the bill had been recommitted to committee. The chair overruled the point of order, and enters its rationale into the journal at the request of Ms. Thompson.

A review of the House Journal indicates **HB 3170** appeared on the house calendar on April 24, 2007, and was recommitted to Local Government Ways and Means on the same day. In instances such as these where a bill is set on a calendar and then is recommitted after the calendar for the day is printed and distributed and eligible for consideration by the house, the chair has observed the longstanding practice of simply notifying the members that the bill is ineligible for consideration because it has been recommitted to committee. The chair, with the assistance of the chief clerk, notifies the members of this fact before the bill is even laid before the house.

In this instance, **HB 3170** was treated in the same matter procedurally as other bills that have appeared on the calendar but that have also been recommitted to committee in that such bills are, at the time they are to be reached for consideration, not laid before the house. According to the journal, Ms. Thompson raised her point of order against the calendar shortly after **HB 1472** passed to engrossment, before **HB 3170** was reached on the calendar, and before the chair could inform the members that **HB 3170** had been recommitted to committee. If **HB 3170** had actually been laid out and considered by the house, such consideration would have been in direct violation of the House Rules, and a point of order against further consideration of **HB 3170** and all bills considered after **HB 3170** might have been sustainable. (See 75 H.J. Reg. 3810, 1997, where a point of order raised by Representative Wohlgemuth which emanated from a defect in the committee process was sustained and precluded consideration of the remainder of the calendar from the point at which the point of order was raised). Ms. Thompson's point of order was not timely because it was raised before **HB 3170** was even eligible to be laid before the house for consideration and before the chair could notify the house of such (i.e. that the bill was ineligible).

Accordingly, the point of order was overruled.

HB 3170 - RECOMMITTED

Representative Swinford moved to recommit **HB 3170** to the Committee on Local Government Ways and Means.

The motion prevailed.

HB 401 ON SECOND READING **(by B. Brown, et al.)**

HB 401, A bill to be entitled An Act relating to the use of text messages and other electronic media to commit certain sexual offenses against minors or certain students.

HB 401 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, Senate List No. 26).

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Elections, upon lunch recess today, Desk 21, for a formal meeting, to consider **HB 1462** and pending business.

Civil Practices, upon lunch recess today, Desk 26, for a formal meeting.

County Affairs, upon lunch recess today, Desk 105, for a formal meeting, to consider pending business.

RECESS

At 12:08 p.m., the speaker announced that the house would stand recessed until 1:15 p.m. today.

AFTERNOON SESSION

The house met at 1:15 p.m. and was called to order by the speaker.

SB 362 ON SECOND READING (Gattis - House Sponsor)

SB 362, A bill to be entitled An Act relating to civil remedies and qui tam provisions under the Medicaid fraud prevention act.

SB 362 was considered in lieu of **HB 2732**.

SB 362 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2732 - LAID ON THE TABLE SUBJECT TO CALL

Representative Gattis moved to lay **HB 2732** on the table subject to call.

The motion prevailed.

CSHB 2735 ON SECOND READING (by Berman)

CSHB 2735, A bill to be entitled An Act relating to lobbying expenditures that are made jointly.

CSHB 2735 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

CSHB 3352 ON SECOND READING
(by Woolley)

CSHB 3352, A bill to be entitled An Act relating to municipal civil service for firefighters and police officers in certain municipalities.

CSHB 3352 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 3310 ON SECOND READING
(by Jackson)

HB 3310, A bill to be entitled An Act relating to fraud investigations and criminal offenses involving the Medicaid program; providing criminal penalties.

Representative Jackson moved to postpone consideration of **HB 3310** until 9 a.m. Thursday, May 3.

The motion prevailed.

CSHB 1735 ON SECOND READING
(by Truitt, Anchia, and Gonzales)

CSHB 1735, A bill to be entitled An Act relating to ethics training for legislators.

Representative Truitt moved to postpone consideration of **CSHB 1735** until the end of today's calendar.

The motion prevailed.

CSHB 2559 ON SECOND READING
(by Otto)

CSHB 2559, A bill to be entitled An Act relating to the authority of a dealer to conduct certain motor vehicle sales outside of a dealership.

Amendment No. 1

Representative Otto offered the following amendment to **CSHB 2559**:

Amend **CSHB 2559** as follows:

On page 1, lines 7 and 8, between "by" and "Subsection", insert "other law, including".

Amendment No. 1 was adopted.

CSHB 2559, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1170 ON SECOND READING
(by Flynn and Farabee)

CSHB 1170, A bill to be entitled An Act relating to the regulation and limitation of liability of persons engaged in certain liquefied petroleum gas-related activities, including requirements concerning consumer safety notification.

CSHB 1170 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **CSHB 1170** under Rule 4, Section 18(a)(4) of the House Rules on the grounds that the committee minutes are incomplete.

The point of order was withdrawn.

Representative Flynn moved to postpone consideration of **CSHB 1170** until the end of today's calendar.

The motion prevailed.

HB 2983 ON SECOND READING
(by Creighton)

HB 2983, A bill to be entitled An Act relating to a petition for the creation of a fresh water supply district.

HB 2983 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2984 ON SECOND READING
(by Creighton)

HB 2984, A bill to be entitled An Act relating to the qualification of supervisors of a fresh water supply district.

HB 2984 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2818 ON SECOND READING
(by Ritter, Hamilton, Deshotel, Otto, and McReynolds)

CSHB 2818, A bill to be entitled An Act relating to the delay of retail electric competition in the areas of the state covered by the Southeastern Electric Reliability Council.

(Berman in the chair)

Amendment No. 1

Representative Ritter offered the following amendment to **CSHB 2818**:

Amend **CSHB 2818** (House Committee Printing) as follows:

(1) On page 1, between lines 13 and 14, insert the following:

(b) Notwithstanding any other provision of this chapter, an area included in the Southeastern Electric Reliability Council must remain in the Southeastern Electric Reliability Council.

(2) On page 1, line 14, strike "(b)" and substitute "(c)".

Amendment No. 1 was adopted.

(Speaker in the chair)

Amendment No. 2

Representative Ritter offered the following amendment to **CSHB 2818**:

Amend **CSHB 2818** by adding the following SECTION, appropriately numbered, and renumbering the subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 36.209(a), Utilities Code, is amended to read as follows:

(a) This section applies only to an electric utility that operates solely outside of ERCOT in areas of this state included in the Southeastern Electric Reliability Council, the Southwest Power Pool, or the Western Electricity Coordinating Council and that owns or operates transmission facilities.

Amendment No. 2 was adopted.

CSHB 2818, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

SB 339 ON SECOND READING (Bailey - House Sponsor)

SB 339, A bill to be entitled An Act relating to entrance examination procedures for certain police officers under municipal civil service.

SB 339 was considered in lieu of **HB 2269**.

SB 339 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2269 - LAID ON THE TABLE SUBJECT TO CALL

Representative Bailey moved to lay **HB 2269** on the table subject to call.

The motion prevailed.

HB 3410 ON SECOND READING (by Gattis, et al.)

HB 3410, A bill to be entitled An Act relating to alternative procedures for plat revision of residential areas by a county.

Amendment No. 1

Representative Gattis offered the following amendment to **HB 3410**:

Amend **HB 3410** by striking page 1, line 22, through page 2, line 3, and substituting:

(1) the changes do not affect applicable county regulations, including zoning regulations if the county has authority to adopt zoning regulations; and

(2) the changes do not attempt to amend or remove any covenants or restrictions.

Amendment No. 1 was adopted.

HB 3410, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1804 ON SECOND READING
(by Gattis, Coleman, et al.)

HB 1804, A bill to be entitled An Act relating to the prosecution of the offense of improper photography or visual recording.

Amendment No. 1

Representative Coleman offered the following amendment to **HB 1804**:

Amend **HB 1804** by striking page 1, lines 5 through 17, and substituting the following:

SECTION 1. Section 21.15, Penal Code, is amended by amending Subsection (b) and adding Subsection (e) to read as follows:

(b) A person commits an offense if the person:

(1) photographs or by videotape or other electronic means ~~[visually]~~ records, broadcasts, or transmits a visual image of another at a location that is not a bathroom or private dressing room:

(A) without the other person's consent; and

(B) with intent to arouse or gratify the sexual desire of any person;

(2) photographs or by videotape or other electronic means records, broadcasts, or transmits a visual image of another at a location that is a bathroom or private dressing room:

(A) without the other person's consent; and

(B) with intent to:

(i) invade the privacy of the other person; or

(ii) arouse or gratify the sexual desire of any person; or

(3) ~~[(2)]~~ knowing the character and content of the photograph, ~~[or]~~ recording, broadcast, or transmission, promotes a photograph, ~~[or visual]~~ recording, broadcast, or transmission described by Subdivision (1) or (2).

(e) For purposes of Subsection (b)(2), a sign or signs posted indicating that the person is being photographed or that a visual image of the person is being recorded, broadcast, or transmitted is not sufficient to establish the person's consent under that subdivision.

Amendment No. 1 was adopted.

HB 1804, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 530 ON SECOND READING

(by Madden, Rodriguez, Peña, Hodge, and Woolley)

CSHB 530, A bill to be entitled An Act relating to the operation and funding of drug court programs.

Amendment No. 1

Representative Phillips offered the following amendment to **CSHB 530**:

Amend **CSHB 530** (house committee printing) on page 2, line 14, by striking "the court shall enter an order" and substituting "the court may enter an order".

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hochberg offered the following amendment to **CSHB 530**:

Amend **CSHB 530** (house committee printing) as follows:

(1) On page 5, line 2, strike "by adding Subsection (c)".

(2) On page 5, between lines 2 and 3, insert:

Sec. 469.003. OVERSIGHT. (a) The lieutenant governor and the speaker of the house of representatives may assign to appropriate legislative committees duties relating to the oversight of drug court programs established under this chapter [~~Section 469.002~~].

(b) A legislative committee or the governor may request the state auditor to perform a management, operations, or financial or accounting audit of a drug court program established under this chapter [~~Section 469.002~~].

(3) On page 5, line 3, strike "Section 469.002" and substitute "this chapter".

(4) On page 5, line 12, strike "Section 469.002" and substitute "this chapter [~~Section 469.002~~]".

(5) Add appropriately numbered SECTIONS to the bill to read as follows and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 469.007, Health and Safety Code, is amended to read as follows:

Sec. 469.007. USE OF OTHER DRUG AND ALCOHOL AWARENESS PROGRAMS. In addition to using a drug court program established under this chapter [~~Section 469.002~~], the commissioners court of a county or a court may use other drug awareness or drug and alcohol driving awareness programs to treat persons convicted of drug or alcohol related offenses.

SECTION _____. Chapter 469, Health and Safety Code, is amended by adding Sections 469.005, 469.008, and 469.009 to read as follows:

Sec. 469.005. DRUG COURT PROGRAMS EXCLUSIVELY FOR CERTAIN INTOXICATION OFFENSES. (a) The commissioners court of a county may establish under this chapter a drug court program exclusively for persons arrested for, charged with, or convicted of an offense involving the operation of a motor vehicle while intoxicated.

(b) A county that establishes a drug court program under this chapter but does not establish a separate program under this section must employ procedures designed to ensure that a person arrested for, charged with, or convicted of a second or subsequent offense involving the operation of a motor vehicle while intoxicated participates in the county's existing drug court program.

Sec. 469.008. SUSPENSION OR DISMISSAL OF COMMUNITY SERVICE REQUIREMENT. (a) Notwithstanding Sections 13 and 16, Article 42.12, Code of Criminal Procedure, to encourage participation in a drug court program established under this chapter, the judge or magistrate administering the program may suspend any requirement that, as a condition of community supervision, a participant in the program work a specified number of hours at a community service project or projects.

(b) On successful completion of a drug court program, a judge or magistrate may excuse the participant from any condition of community supervision previously suspended under Subsection (a).

Sec. 469.009. OCCUPATIONAL DRIVER'S LICENSE. Notwithstanding Section 521.242, Transportation Code, if a participant's driver's license has been suspended as a result of an alcohol-related or drug-related enforcement contact, as defined by Section 524.001, Transportation Code, or as a result of a conviction under Section 49.04, 49.07, or 49.08, Penal Code, the judge or magistrate administering a drug court program under this chapter may order that an occupational license be issued to the participant. An order issued under this section is subject to Sections 521.248-521.252, Transportation Code, except that any reference to a petition under Section 521.242 of that code does not apply.

(6) On page 11, line 27, through page 12, line 1, strike "The change in law made by this Act in amending Section 469.001" and substitute "Except as otherwise provided by this section, the change in law made by this Act in amending Chapter 469".

Amendment No. 2 was adopted.

Amendment No. 3

Representative B. Cook offered the following amendment to **CSHB 530**:

Amend **CSHB 530** (house committee printing) on page 8 by striking the language on lines 12 through 19 and substituting the following:

(2) retain in addition to the 10 percent authorized by Subdivision (1) another 50 percent of the funds collected under this article by an officer of the county or municipality during the calendar quarter to be used exclusively for:

(A) the development and maintenance of drug court programs operated within the county or municipality, if the county or municipality has established a drug court program or establishes a drug court program before the expiration of the calendar quarter; or

(B) the development and operation of any programs within the county or municipality that are designed to prevent or provide education concerning alcohol and drug abuse, if the county or municipality has not established a drug court program and does not establish a drug court program before the expiration of the calendar quarter.

Amendment No. 3 was adopted.

CSHB 530, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Phillips in the chair)

CSHB 2641 ON SECOND READING
(by Solomons)

CSHB 2641, A bill to be entitled An Act relating to the selection of depositories for certain county funds, including funds held by a county or district clerk.

CSHB 2641 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2010 ON SECOND READING
(by Rose)

HB 2010, A bill to be entitled An Act relating to declaratory relief for businesses in this state for liability for sales and use taxes of other states.

Amendment No. 1

Representative Rose offered the following amendment to **HB 2010**:

Amend **HB 2010** on page 1, by striking lines 16 and 17 and substituting:

(B) a retailer registered with the comptroller under Section 151.106, Tax Code; and

Amendment No. 1 was adopted.

HB 2010, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 3132 ON SECOND READING
(by R. Cook)

CSHB 3132, A bill to be entitled An Act relating to the authority of certain counties to impose a county hotel occupancy tax.

CSHB 3132 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 4094 ON SECOND READING
(by Swinford)

HB 4094, A bill to be entitled An Act relating to the fees assessed in certain cases filed in the Midland County courts at law.

HB 4094 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 2814 ON SECOND READING
(by Eissler, Oliveira, et al.)

CSHB 2814, A bill to be entitled An Act relating to a language immersion pilot project in certain school districts.

CSHB 2814 was read second time on April 18, postponed until April 23, and was again postponed until this time.

Amendment No. 1

Representative Eissler offered the following amendment to **CSHB 2814**:

Amend **CSHB 2814** as follows:

(1) Strike all below the enacting clause and substitute the following:

SECTION 1. Chapter 29, Education Code, is amended by adding Subchapter J to read as follows:

SUBCHAPTER J. LANGUAGE IMMERSION PILOT PROJECT

Sec. 29.351. ESTABLISHMENT OF PILOT PROJECT. The commissioner shall establish a pilot project under which the agency examines language immersion programs and the effect of those programs on a student's ability to advance to high school, graduate from high school, or prepare for college coursework or postgraduation employment. The commissioner shall select to participate in the pilot project established under this subchapter:

(1) school districts; and

(2) campuses for which a charter is granted under Subchapter C, Chapter 12.

Sec. 29.352. PILOT PROJECT ADMINISTRATION. (a) The commissioner shall establish a procedure and adopt criteria for the agency to administer the pilot project.

(b) In adopting criteria under this section, the commissioner shall require the agency to select only school districts or campuses that:

(1) demonstrate parent, teacher, and community support for a language immersion program;

(2) will commit to a language immersion program in English and a language other than English as selected by the district for a minimum of three years in elementary grades;

(3) will offer in secondary grades at least one language program in addition to the language other than English used in the language immersion program provided under Subdivision (2); and

(4) demonstrate the potential for expanding the programs provided under Subdivisions (2) and (3) across primary and secondary grades, including:

(A) incorporating the program provided under Subdivision (2) in kindergarten; and

(B) offering the program provided under Subdivision (3) for four years in high school.

(c) The agency shall require a school district or campus selected under this subchapter to provide annual self-evaluations of progress toward language immersion program goals.

Sec. 29.353. PILOT PROJECT IMPLEMENTATION. (a) The commissioner by rule shall require a school district or campus to limit activities of the language immersion program during the first year of the program to:

(1) planning activities, including:

(A) hiring and training teachers and other professional development activities as determined by the commissioner; and

(B) acquiring adequate instructional and technological materials in each program language, including software; and

(2) expanding or improving existing language immersion programs.

(b) The commissioner by rule shall develop procedures to assign a technical assistance team that includes university faculty with expertise in language learning to assist participating school districts and campuses in program development, implementation, and assessment.

Sec. 29.354. SCHOOL DISTRICT OR CAMPUS SELECTION. (a) The agency shall select school districts and campuses to participate in the pilot project using the criteria provided by Section 29.352(b) and based on the readiness of the district or campus to incorporate language immersion programs into classrooms as demonstrated by the past performance of the district or campus relating to language instruction.

(b) In selecting participants, the agency shall consider geographic diversity.

(c) The agency shall select not more than 10 school districts and not more than 30 campuses to participate in the pilot project.

(d) A school district or campus that applies for the expansion of an existing language immersion program is eligible for a grant under this subchapter.

Sec. 29.355. PILOT PROJECT FUNDING. (a) To implement the pilot project, the agency may use only undedicated and unobligated money from the general revenue fund for purposes of the pilot project.

(b) The agency may not spend an amount more than \$5 million per year for the language immersion pilot project under this subchapter. The spending limitation imposed by this subsection does not apply to an expenditure made by the commissioner under Section 29.356(c).

(c) To supplement the funding for the pilot project, the agency may use any gift, grant, or donation given for the pilot project. The agency may solicit and accept a gift, grant, or donation of any kind from any source, including from a foundation, private entity, governmental entity, or institution of higher education, for the implementation of the pilot project.

(d) Funds for the pilot project may not be used for the construction of a building or other facility.

(e) The agency shall use funds under this subchapter for:

- (1) teacher training in implementing the language immersion programs;
- (2) hiring technical support staff for school districts or campuses participating in the pilot project; and
- (3) purchasing technology-based instructional materials and resources.

Sec. 29.356. PILOT PROJECT GRANTS. (a) From amounts appropriated to the agency, including foundation school program funds, the commissioner shall award grants to school districts and campuses that participate in the program. A grant under this section must be in an amount sufficient to pay the costs to the district or campus of participating in the program, as determined by the commissioner. A determination of the commissioner under this subsection is final and may not be appealed.

(b) During the 2007-2008 school year, the commissioner may award grants to school districts and campuses under this section only for the purpose of planning activities described by Section 29.355(e) in an amount not to exceed five percent of the total amount required to fully implement the pilot program for the 2008-2009 school year.

(c) To expand language learning opportunities for all public school students and school district or campus employees, including students and employees in school districts or campuses not participating in the pilot project, the commissioner shall enter into a contract to license language-learning software using language immersion methods. Expenditures under this subsection must be sufficient to support language learning opportunities for a maximum of one million public school students and employees for a maximum of three years. The commissioner shall make the software available online to public school students and employees across the state not later than January 1, 2008. The commissioner may not spend more than \$4 million each year to comply with this subsection.

Sec. 29.357. COMMUNITY EDUCATIONAL PIPELINE PROGRESS TEAM. (a) Each participating school district or campus shall establish a community educational pipeline progress team to assist in developing and implementing the language immersion pilot project.

(b) The board of trustees of a participating school district or of a school district in which a participating campus is located shall appoint individuals to the team. The team may be composed of:

- (1) educators;

- (2) district-level administrators;
- (3) community leaders;
- (4) parents of students who attend a participating campus; and
- (5) any other individual the board finds appropriate.

(c) The team shall develop an academic improvement plan that describes the manner in which the pilot project should be implemented in the participating school district or campus. In developing the academic improvement plan, the team shall consider:

(1) the educational problems in the district or at the campus that could be mitigated through the implementation of the pilot project; and

(2) the technological and nontechnological resources that are necessary to ensure successful implementation of the pilot project.

(d) The team shall recommend to the board of trustees the manner in which the pilot project funds should be used to implement the academic improvement plan developed under Subsection (c). Annually, the team may recommend to the board any necessary changes in the academic improvement plan. The agency must approve the academic improvement plan or any changes to the plan before disbursing pilot project funds to the board.

(e) The board of trustees of each district participating in the pilot project shall provide an annual progress report to the agency not later than August 1 of each year that the district or campus is participating in the pilot project. The report must state in detail the type of plan used in the district or at the campus and the effect of the pilot project on the district or campus, including:

(1) any effect on the academic progress of students who are participating in a pilot project, as measured by performance on assessment instruments, including assessment instruments administered under Section 39.023;

(2) if applicable, a comparison of student progress at a campus or in a classroom in a school district or campus that is participating in the pilot project as compared to student progress at a campus or in a classroom in that same district or campus that is not participating in the pilot project;

(3) any elements of the pilot project that contribute to improved student performance on assessment instruments administered under Section 39.023 or any other assessment instrument required by the agency;

(4) any cost savings or improved efficiency relating to school personnel or the maintenance of school facilities;

(5) any effect on student attendance or dropout rates;

(6) any effect on student enrollment in high school;

(7) any effect on teacher performance or retention;

(8) any improvement in communications among students, parents, teachers, and administrators;

(9) any improvement in parental involvement in the education of the parent's child;

(10) any effect on community involvement and support for the district or campus; and

(11) any increase in student proficiency in technology that would help prepare students for becoming members of the workforce.

Sec. 29.358. PARENT OPTION. The parent of a student may prevent the student from participating in a language immersion program under this subchapter.

Sec. 29.359. PILOT PROJECT EVALUATION. (a) The agency shall perform an annual review of the language immersion pilot project based on the reports the agency receives from the board of trustees of participating school districts or campuses. The agency shall include a summary of the review of the pilot project in the comprehensive annual report required under Section 39.182.

(b) During the 2010-2011 school year, the agency shall contract with one or more educational research centers to evaluate the efficacy of the pilot project to determine whether the pilot project should be continued. The cost of the evaluation may not exceed \$250,000.

Sec. 29.360. DUTIES AND RESPONSIBILITIES OF CHARTER CAMPUS GOVERNING BODY. For purposes of this subchapter, the governing body of a campus for which a charter is granted under Subchapter C, Chapter 12, has the duties and responsibilities assigned to the board of trustees of a school district under Sections 29.357 and 29.359.

Sec. 29.361. EXPIRATION. This subchapter expires September 1, 2011.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

(2) Strike all above the enacting clause and substitute the following: relating to a pilot project for language immersion in English and another language in certain school districts.

(Speaker in the chair)

Amendment No. 2

Representative Eissler offered the following amendment to Amendment No. 1:

Amend the Eissler amendment to **CSHB 2814** as follows:

(1) On page 1, line 25, between "to" and "a", insert ";":

(A)".

(2) On page 1, line 27, after the semicolon, insert the following:
and

(B) a requirement that the English immersion component of the program will comprise at least 50 percent of the average instructional time;

Amendment No. 2 was adopted.

(Truitt in the chair)

Amendment No. 1, as amended, was adopted.

A record vote was requested.

CSHB 2814, as amended, was passed to engrossment by (Record 625): 125 Yeas, 15 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Aycock; Bailey; Berman; Bohac; Bolton; Brown, B.; Brown, F.; Burnam; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Creighton; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Jones; Keffer; King, P.; King, S.; King, T.; Krusee; Kuempel; Latham; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; Merritt; Miles; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Peña; Pickett; Pierson; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Thompson; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Anderson; Bonnen; Callegari; Crabb; Flynn; Harless; Harper-Brown; Hughes; Jackson; Kolkhorst; Laubenberg; Miller; Riddle; Taylor; Van Arsdale.

Present, not voting — Mr. Speaker; Truitt(C).

Absent, Excused — Branch; Farrar; Menendez; Moreno.

Absent — Crownover; McReynolds; Paxton; Phillips.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 625. I intended to vote no.

Bohac

When Record No. 625 was taken, I was in the house but away from my desk. I would have voted no.

Paxton

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 2).

GENERAL STATE CALENDAR (consideration continued)

HB 1248 ON SECOND READING (by Taylor)

HB 1248, A bill to be entitled An Act relating to the sale of mixed beverages aboard certain passenger vessels.

HB 1248 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Flynn and Hancock recorded voting no.)

HB 1519 ON SECOND READING
(by T. Smith and Peña)

HB 1519, A bill to be entitled An Act relating to including within the offense of barratry and solicitation of professional employment certain solicitations made during certain periods.

HB 1519 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Flynn recorded voting no.)

CSHB 522 ON SECOND READING
(by Woolley, Hartnett, et al.)

CSHB 522, A bill to be entitled An Act relating to adoption and operation of requirements regarding health benefit plan identification cards.

Amendment No. 1

Representative Woolley offered the following amendment to **CSHB 522**:

Amend **CSHB 522** by striking all below the enacting clause and substituting the following:

SECTION 1. Title 8, Insurance Code, is amended by adding Subtitle J to read as follows:

SUBTITLE J. HEALTH INFORMATION TECHNOLOGY
CHAPTER 1660. ELECTRONIC DATA EXCHANGE
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1660.001. FINDINGS AND PURPOSE. (a) The legislature finds that patients deserve accurate, instantaneous information about coverage and financial responsibility to make well-informed decisions about their treatment and spending.

(b) The legislature finds that the ability of health benefit plan issuers and administrators to exchange eligibility and benefit information with physicians, health care providers, hospitals, and patients will ensure a more efficient and effective health care delivery system.

(c) The legislature finds that electronic access to eligibility information will reduce the amount of time and resources spent on administrative functions, prevent abuse and fraud, streamline and simplify processing of insurance claims, and increase transparency in premium cost and health care cost.

(d) The legislature finds that patients often request information about their health care coverage from their health care providers and that health care providers therefore need access to real-time information about their patients'

eligibility to receive health care under the health benefit plan, coverage of health care under the health benefit plan, and the benefits associated with the health benefit plan.

(e) The legislature finds that adoption of technology by insurers, health maintenance organizations, and health care providers to facilitate use of electronic data exchange standards currently available will make coverage and health care electronic transactions more predictable, reliable, and consistent.

Sec. 1660.002. DEFINITIONS. In this chapter:

(1) "Administrator" has the meaning assigned by Section 4151.001.

(2) "Advisory committee" means the technical advisory committee on electronic data exchange.

(3) "Enrollee" means an individual who is insured by or enrolled in a health benefit plan.

(4) "Health benefit plan" means an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an evidence of coverage that provides health insurance or health care benefits.

(5) "Transaction standards" means the Health Insurance Portability and Accountability Act of 1996 (Pub. L. No. 104-191) transaction standards of the Centers for Medicare and Medicaid Services under 45 C.F.R. Part 162.

Sec. 1660.003. APPLICABILITY. (a) This chapter applies only to a health benefit plan that provides benefits for medical or surgical expenses incurred as a result of a health condition, accident, or sickness, including an individual, group, blanket, or franchise insurance policy or insurance agreement, a group hospital service contract, or an individual or group evidence of coverage or similar coverage document that is offered by:

(1) an insurance company;

(2) a group hospital service corporation operating under Chapter 842;

(3) a fraternal benefit society operating under Chapter 885;

(4) a stipulated premium insurance company operating under Chapter 884;

(5) a reciprocal exchange operating under Chapter 942;

(6) a health maintenance organization operating under Chapter 843;

(7) a multiple employer welfare arrangement that holds a certificate of authority under Chapter 846; or

(8) an approved nonprofit health corporation that holds a certificate of authority under Chapter 844.

(b) This chapter does not apply to:

(1) a Medicaid managed care program operated under Chapter 533, Government Code;

(2) a Medicaid program operated under Chapter 32, Human Resources Code; or

(3) the state child health plan or any similar plan operated under Chapter 62 or 63, Health and Safety Code.

Sec. 1660.004. GENERAL RULEMAKING. The commissioner may adopt rules as necessary to implement this chapter, including rules requiring the implementation and provision of the technology recommended by the advisory committee.

[Sections 1660.005-1660.050 reserved for expansion]

SUBCHAPTER B. ADVISORY COMMITTEE

Sec. 1660.051. ADVISORY COMMITTEE; COMPOSITION. (a) The commissioner shall appoint a technical advisory committee on electronic data exchange.

(b) The advisory committee is composed of:

(1) at least one representative from each of the following groups or entities:

(A) health benefit coverage consumers;

(B) physicians;

(C) hospital trade associations;

(D) representatives of medical units of institutions of higher education;

(E) representatives of health benefit plan issuers;

(F) health care providers; and

(G) administrators; and

(2) representatives from:

(A) the office of public insurance counsel;

(B) the Texas Health Insurance Risk Pool; and

(C) the Department of Information Resources.

(c) Members of the advisory committee serve without compensation.

Sec. 1660.052. APPLICABILITY OF CERTAIN LAWS. The following laws do not apply to the advisory committee:

(1) Section 39.003(a); and

(2) Chapter 2110, Government Code.

Sec. 1660.053. ADVISORY COMMITTEE POWERS AND DUTIES. The advisory committee shall advise the commissioner on technical aspects of using the transaction standards and the rules of the Council for Affordable Quality Healthcare Committee on Operating Rules for Information Exchange to require health benefit plan issuers and administrators to provide access to information technology that will enable physicians and other health care providers, at the point of service, to generate a request for eligibility information that is compliant with the transaction standards.

Sec. 1660.054. DATA ELEMENTS. (a) The advisory committee shall advise the commissioner on data elements required to be made available by health benefit plan issuers and administrators. To the extent possible, the committee shall use the framework adopted by the Council for Affordable Quality Healthcare Committee on Operating Rules for Information Exchange.

(b) The advisory committee shall consider inclusion in the required information of the following data elements:

(1) the name, date of birth, member identification number, and coverage status of the patient;

(2) identification of the payor, insurer, issuer, and administrator, as applicable;

(3) the name and telephone number of the payor's contact person;

(4) the payor's address;

(5) the name and address of the subscriber;

(6) the patient's relationship to the subscriber;

(7) the type of service;

(8) the type of health benefit plan or product;

(9) the effective date of the coverage;

(10) for professional services:

(A) copayment amounts;

(B) individual deductible amounts;

(C) family deductible amounts; and

(D) benefit limitations and maximums;

(11) for facility services:

(A) copayment and coinsurance amounts;

(B) individual deductible amounts;

(C) family deductible amounts; and

(D) benefit limitations and maximums;

(12) precertification or prior authorization requirements;

(13) policy maximum limits;

(14) patient liability for a proposed service; and

(15) the health benefit plan coverage amount for a proposed service.

Sec. 1660.055. RECOMMENDATIONS REGARDING ADOPTION OF CERTAIN TECHNOLOGIES; REPORT. (a) The advisory committee shall:

(1) make recommendations regarding the use by health benefit plan issuers or administrators of Internet website technologies, smart card technologies, magnetic strip technologies, biometric technologies, or other information technologies to facilitate the generation of a request for eligibility information that is compliant with the transaction standards and the rules of the Council for Affordable Quality Healthcare Committee on Operating Rules for Information Exchange;

(2) ensure that a recommendation made under Subdivision (1) does not endorse or otherwise confine health benefit plan issuers and administrators to any single product or vendor; and

(3) recommend time frames for implementation of the recommendations.

(b) The advisory committee shall:

(1) recommend specific provisions that could be included in a department-issued request for information relating to electronic data exchange, including identification card programs;

(2) provide those recommendations to the commissioner not later than four months after the date on which the committee is appointed; and

(3) issue a final report to the commissioner containing the committee's recommendations for implementation by September 1, 2009.

[Sections 1660.056-1660.100 reserved for expansion]

SUBCHAPTER C. IDENTIFICATION CARD PILOT PROGRAM

Sec. 1660.101. PILOT PROGRAM. (a) The commissioner shall designate a county or counties for initial participation in an identification card pilot program to begin not later than September 1, 2008.

(b) The commissioner shall require the issuer of a health benefit plan that is offered in the county or counties selected for initial participation in the identification card pilot program to issue identification cards that comply with commissioner rules to each enrollee of the plan.

(c) The commissioner may implement the identification card pilot program before, during, or simultaneously with the appointment and formation of the advisory committee.

Sec. 1660.102. PILOT PROGRAM RULES. (a) The commissioner shall adopt rules as necessary to implement the identification card pilot program, including the coordination of a testing phase and incorporation of changes identified in the testing phase.

(b) The commissioner may consider the recommendations of the advisory committee or any information provided in response to a department-issued request for information relating to electronic data exchange, including identification card programs, before adopting rules regarding:

(1) information to be included on the identification cards;

(2) technology to be used to implement the identification card pilot program; and

(3) confidentiality and accuracy of the information required to be included on the identification cards.

(c) The commissioner shall consider the requirements of any federal program requiring health benefit plan issuers and administrators to provide point-of-service access to physicians and other health care providers regarding eligibility information before adopting rules to implement this section.

Sec. 1660.103. REQUESTS FOR INFORMATION. The commissioner may issue requests for information as needed to implement the identification card pilot program under this subchapter.

Sec. 1660.104. HEALTH BENEFIT PLAN ISSUER COMPLIANCE. (a) Each issuer of a health benefit plan that offers a health benefit plan in a county or counties designated by the commissioner under Section 1660.101 for initial participation in the identification card pilot program shall comply with this subchapter and rules adopted under this subchapter.

(b) To ensure timely compliance with the requirements of this subchapter, the commissioner may require the issuer of a health benefit plan to submit its procedures for implementation of the requirements to the department in the form prescribed by the commissioner.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

Amendment No. 1 was adopted.

CSHB 522, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1928 ON SECOND READING

(by Flores)

HB 1928, A bill to be entitled An Act relating to the exemption from ad valorem taxation of certain travel trailers.

HB 1928 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Gonzales, Leibowitz, and Martinez recorded voting no.)

HB 1250 ON SECOND READING

(by C. Howard)

HB 1250, A bill to be entitled An Act relating to prohibiting discrimination based on a student's secondary school in awarding certain financial aid for higher education.

HB 1250 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 1678 ON SECOND READING

(by Madden, Turner, Haggerty, McReynolds, Hochberg, et al.)

CSHB 1678, A bill to be entitled An Act relating to the operation of a system of community supervision.

CSHB 1678 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Harper-Brown, Laubenberg, and Talton recorded voting no.)

CSHB 3446 ON SECOND READING

(by Rose, Keffer, Deshotel, McCall, Gonzales, et al.)

CSHB 3446, A bill to be entitled An Act relating to the promotion by the comptroller of Texas manufactured products; providing civil and administrative penalties.

Representative Rose moved to postpone consideration of **CSHB 3446** until the end of today's calendar.

The motion prevailed.

HB 3486 ON SECOND READING
(by Kolkhorst)

HB 3486, A bill to be entitled An Act relating to the authority of the asset management division of the General Land Office to sell real property to an economic development corporation.

Representative Kolkhorst moved to postpone consideration of **HB 3486** until 7 a.m. Tuesday, May 1.

The motion prevailed.

CSHB 3158 ON SECOND READING
(by W. Smith)

CSHB 3158, A bill to be entitled An Act relating to the name, powers, and board of directors of the Chambers County-Cedar Bayou Navigation District.

Amendment No. 1

Representative W. Smith offered the following amendment to **CSHB 3158**:

Amend **CSHB 3158** as follows:

(1) On page 4, line 23, strike "and amending Subsection (d)".

(2) Strike page 5, line 8, through page 6, line 1.

(3) On page 2, between lines 11 and 12, insert the following:

(b-1) The directors serving in director positions 1 and 2 must be representatives of a company or business in the district that has the highest and second highest taxable value of real and personal property located in the district, as certified by the Chambers County Appraisal District. The directors serving in director positions 3 and 4 must be representatives of a company or business in the district that owns real or personal property that has a taxable value of at least \$25,000,000 but less than \$250,000,000, as certified by the Chambers County Appraisal District. The director serving in director position 5 must be a representative of a company or business that owns real or personal property in the district that has a taxable value of at least \$5,000,000 but less than \$25,000,000, as certified by the Chambers County Appraisal District.

(b-2) The directors shall elect a chairperson from the directors. The person elected serves a term of four years as chairperson. Beginning September 1, 2007, the chairperson shall be elected by the directors from among the directors in positions 1, 2, 3, 4, and 5. At the conclusion of the term of the initial chairperson elected under this subsection, the chairperson shall be elected by the directors from among the directors in positions 6 and 7. The group of directors from which the chairperson is elected shall continue to alternate between the directors in positions 1, 2, 3, 4, and 5, and the directors in positions 6 and 7.

Amendment No. 1 was adopted.

CSHB 3158, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 3226 ON SECOND READING
(by Branch, Woolley, Eiland, and D. Howard)

CSHB 3226, A bill to be entitled An Act relating to the equalization of property wealth in certain school districts.

CSHB 3226 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2144 ON SECOND READING
(by Flores)

CSHB 2144, A bill to be entitled An Act relating to the regulation of the practice of public accountancy by certain out-of-state license holders.

CSHB 2144 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

(Speaker in the chair)

HB 2341 ON SECOND READING
(by Truitt)

HB 2341, A bill to be entitled An Act relating to certain investment products made available to certain public school employees.

Amendment No. 1

Representative Truitt offered the following amendment to **HB 2341**:

Amend **HB 2341** (committee printing) as follows:

- (1) On page 2, line 23, strike "or".
- (2) On page 2, line 26, between "2007" and the underlined period, insert:

; or

(D) any change to this Act that becomes effective after January 1, 2007.

Amendment No. 1 was adopted.

HB 2341, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 921 ON SECOND READING
(by Delisi)

CSHB 921, A bill to be entitled An Act relating to the sharing of information among state agencies.

Amendment No. 1

Representative Delisi offered the following amendment to **CSHB 921**:

Amend **CSHB 921** as follows:

(1) On page 3, lines 12 and 13, strike "for sharing information" and substitute insert "for the secure sharing of information".

(2) On page 3, line 17, between "to" and "confidentiality" insert "the security and".

(3) On page 3, line 19, between "the" and "protection" insert "security of personally identifiable information and the".

(4) On page 4, line 11, between "the" and "sharing" insert "secure".

(5) On page 4, line 14, between "state" and the period insert ", while ensuring the protection of personally identifiable information from inappropriate release".

(6) On page 4, line 23, strike "and".

(7) On page 4, line 27, between "expense" and the period insert the following:
; and

(4) emphasize that data shared under this subchapter must comply with any federal or state law relating to confidentiality of the information maintained or received by a participating agency.

Sec. 113.055. USE OF DATA. Information gathered or shared under this subchapter may not be used to enforce Title 8 of the United States Code

(8) On page 5, line 1, strike "113.055" and substitute "113.056".

Amendment No. 1 was adopted.

CSHB 921, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2655 ON SECOND READING **(by Puente)**

HB 2655, A bill to be entitled An Act relating to certificates of public convenience and necessity for water service and sewer service.

Amendment No. 1

Representative Puente offered the following amendment to **HB 2655**:

Amend **HB 2655**, on page 2, line 1 (House Committee Report Printing), by inserting after the word "chapter." To the extent of a conflict between this section and Section 13.245, Section 13.245 prevails.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Hilderbran offered the following amendment to **HB 2655**:

Amend **HB 2655** by amending SECTION 2 to read as follows:

SECTION 2. Section 13.2451, Water Code, is amended to read as follows:

Sec. 13.2451. EXTENSION BEYOND EXTRATERRITORIAL JURISDICTION. (a) Subject to the provisions of Section 13.245, ~~[(a) Except as provided by Subsection (b), if]~~ if a municipality extends its extraterritorial jurisdiction to include an area certificated to a retail public utility, the retail public utility may continue and extend service in its area of public convenience and necessity under the rights granted by its certificate and this chapter.

(b) A retail public utility or a municipality that seeks to extend a certificate of public convenience and necessity beyond the retail public utility's corporate boundaries, if applicable, or beyond a municipality's extraterritorial jurisdiction must ensure that the area for which a certificate of public convenience and necessity is sought complies with the requirements of Water Code §13.241. ~~[(b) The commission may not extend a municipality's certificate of public convenience and necessity beyond its extraterritorial jurisdiction without the written consent of the landowner who owns the property in which the certificate is to be extended. The portion of any certificate of public convenience and necessity that extends beyond the extraterritorial jurisdiction of the municipality without the consent of the landowner is void.]~~

(c) If service to an area outside a municipality's extraterritorial jurisdiction is not provided within five years from the date of obtaining a certificate of public convenience and necessity for that area, then after notice to the municipality and a hearing, the Commission may decertify the portion outside of a municipality's extraterritorial jurisdiction for which the municipality is not providing service. This subsection (c) is not applicable to a certificate of public convenience and necessity service area transferred to a municipality and approved by the Commission for which public funds were expended.

The change is sought to ensure that retail public utilities and municipalities seeking certificates of public convenience and necessity prove that the entire service territories comply with Water Code §13.241. The change will prevent CCN "land grabs" from municipalities.

Amendment No. 2 was adopted.

HB 2655, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: C. Howard recorded voting no.)

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 3).

HB 957 ON SECOND READING (by Orr)

HB 957, A bill to be entitled An Act relating to participation by certain state employees in a default investment product under a deferred compensation plan.

HB 957 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

CSHB 1517 ON SECOND READING
(by Paxton, Bailey, Flynn, Eiland, et al.)

CSHB 1517, A bill to be entitled An Act relating to the reporting of expenditures for lobbying and legislative communication by local governmental entities.

CSHB 1517 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 1517** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Paxton moved to postpone consideration of **CSHB 1517** until the end of today's calendar.

The motion prevailed.

HB 2308 ON SECOND READING
(by Rose)

HB 2308, A bill to be entitled An Act relating to the requirement that certain economic development corporations hold a hearing before spending funds to undertake a project.

Representative Rose moved to postpone consideration of **HB 2308** until 10 a.m. tomorrow.

The motion prevailed.

HB 2338 ON SECOND READING
(by Bailey)

HB 2338, A bill to be entitled An Act relating to the authority of a municipality to regulate a vehicle operating as a limousine.

Amendment No. 1

Representative Bailey offered the following amendment to **HB 2338**:

Amend **HB 2338** on page 1 by striking lines 7-15 and substituting the following:

Sec. 215.004. TAXICABS AND LIMOUSINES. (a) To protect the public health, safety, and welfare, a municipality by ordinance:

(1) shall license, control, and otherwise regulate each private passenger vehicle, regardless of how it is propelled, that provides passenger taxicab transportation services for compensation and [;] is designed for carrying no more than eight passengers; and

(2) may license, control, and otherwise regulate each private passenger vehicle, regardless of how it is propelled, that provides passenger limousine transportation services for compensation and is designed for carrying no more than 15 passengers.

(a-1) Subsection (a) applies to a taxicab or limousine service that [~~and~~] is operated:

Amendment No. 1 was adopted.

Amendment No. 2

Representative Bailey offered the following amendment to **HB 2338**:

Amend **HB 2338** on page 2, between lines 15 and 16, by inserting the following:

(d) The provisions of this section relating to the regulation of limousine transportation services apply only to a municipality with a population of more than 1.9 million.

Amendment No. 2 was adopted.

HB 2338, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Zedler recorded voting no.)

HB 1274 ON SECOND READING **(by Jackson, Harper-Brown, et al.)**

HB 1274, A bill to be entitled An Act relating to the requirement of speaking and reading the English language as a condition for the issuance of a commercial driver's license.

HB 1274 - POINT OF ORDER

Representative Lucio raised a point of order against further consideration of **HB 1274** under Rule 4, Section 32(c) of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Jackson moved to postpone consideration of **HB 1274** until the end of today's calendar.

The motion prevailed.

HB 2636 ON SECOND READING **(by Smithee)**

HB 2636, A bill to be entitled An Act relating to the nonsubstantive revision of statutes relating to the Texas Department of Insurance, the business of insurance, and certain related businesses, to nonsubstantive additions to and corrections in the codified Insurance Code, and to conforming the provisions of that code that were codified by the 79th Legislature to other Acts of that legislature, including conforming amendments, repeals, and penalties.

Amendment No. 1

Representative Smithee offered the following amendment to **HB 2636**:

Amend **HB 2636** (house committee printing) as follows:

(1) On page 41, line 13, strike "Chapter 843" and substitute "Section 1367.053, Subchapter A, Chapter 1452, Subchapter B, Chapter 1507, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843, Chapter 1271, and Chapter 1272".

(2) On page 43, line 6, strike "Chapter 843" and substitute "Section 1367.053, Subchapter A, Chapter 1452, Subchapter B, Chapter 1507, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843, Chapter 1271, and Chapter 1272".

(3) On page 44, line 16, strike "Chapter 843" and substitute "Section 1367.053, Subchapter A, Chapter 1452, Subchapter B, Chapter 1507, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843, Chapter 1271, and Chapter 1272".

(4) On page 135, line 23, strike "Chapter 843" and substitute "Section 1367.053, Subchapter A, Chapter 1452, Subchapter B, Chapter 1507, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843, Chapter 1271, and Chapter 1272".

(5) On page 146, line 3, between "a cross-reference" and "to read", insert "and to conform more closely to the source law from which the section is derived".

(6) Strike page 146, line 9, and substitute the following:

(3) ~~[(4)]~~ Section 1367.053, Subchapter A, Chapter 1452, Subchapter B, Chapter 1507, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843, Chapter 1271, or Chapter 1272;

(7) Strike page 199, lines 22 and 23, and substitute the following:
coverage authorized by:

(A) Title 7;

(B) Chapter 3, 704, 841, 846, 982, 1201, 1202, 1203, 1210, 1251, 1252, 1253, 1254, 1301, 1351, 1354, 1359, 1364, 1368, 1501, 1504, 1505, 1506, 1552, 1575, 1576, 1577, 1579, 1581, 1625, 1651, 1652, or 1701;

(C) Chapter 492, other than Sections 492.051(b) and (c);

(D) Subchapter B, Chapter 38, Subchapter D, Chapter 425, Subchapter A or F, Chapter 1204, Subchapter A, Chapter 1273, Subchapter A, B, or D, Chapter 1355, Subchapter A, Chapter 1366, Subchapter A, Chapter 1507;

(E) Section 1204.151, 1204.153, 1204.154, or 1451.051; or

(F) Chapter 177, Local Government Code; or

(8) On page 200, line 5, strike "Subchapters A-E,".

(9) On page 200, line 12, strike "Subchapters A-E,".

(10) On page 200, line 16, strike "Subchapters A-E,".

(11) On page 221, line 9, strike "401.061".

(12) On page 353, line 13, strike "Subchapters A-D,".

(13) On page 354, line 9, strike "Subchapters A-D,".

Amendment No. 1 was adopted.

HB 2636, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.) (The vote was reconsidered later today, and **HB 2636**, as amended, was passed to engrossment.)

SB 1665 ON SECOND READING

(Bonnen - House Sponsor)

SB 1665, A bill to be entitled An Act relating to regulation of emissions from residential water heaters.

SB 1665 was considered in lieu of **HB 2712**.

SB 1665 was passed to third reading. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2712 - LAID ON THE TABLE SUBJECT TO CALL

Representative Bonnen moved to lay **HB 2712** on the table subject to call.

The motion prevailed.

CSHB 1886 ON SECOND READING

(by Callegari)

CSHB 1886, A bill to be entitled An Act relating to the procurement methods of certain political subdivisions and certain other entities for the construction, rehabilitation, alteration, or repair of certain projects.

Amendment No. 1

Representative Puente offered the following amendment to **CSHB 1886**:

Amend **CSHB 1886** on page 7, line 24, after the period, by inserting the following:

If a metropolitan transit authority created under Chapter 451, Transportation Code, enters into a contract for a project involving a bus rapid transit system created under Chapter 451, Transportation Code, the bus rapid transit system is a single integrated project for purposes of this subsection.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Callegari offered the following amendment to **CSHB 1886**:

Amend **CSHB 1886** as follows:

(1) Strike SECTIONS 1-5, 7, and 9 of the bill and renumber subsequent SECTIONS of the bill appropriately.

(2) Strike page 5, line 27 through page 6, line 7 and substitute the following:

(6) "Local governmental entity" means a municipality, a county, a river authority, a defense base development authority established under Chapter 379B, a municipally owned water utility with a separate governing board appointed by the governing body of a municipality, or any other special district or authority authorized by law to enter into a public works contract for a civil works project. The term does not include a water district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, with a population of less than 50,000.

(3) On page 6, line 18, strike "25,000" and substitute "50,000".

(4) On page 6, strike lines 20-22.

(5) On page 16, line 10, strike "Section 1001.407" and substitute "Chapter 1001".

(6) On page 17, between lines 1 and 2, insert the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 271.904(a), Local Government Code, is amended to read as follows:

(a) A covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services to which a governmental agency is a party is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect whose work product is the subject of the contract must indemnify, ~~[or]~~ hold harmless, or defend the governmental agency against liability for damage, other than liability for damage that is caused by or results from the negligence of the indemnitor or the indemnitor's agents, consultants under contract, or others over which the indemnitor exercises control [governmental agency or its agent or employee].

Amendment No. 2 was adopted.

Amendment No. 3

Representative Corte offered the following amendment to **CSHB 1886**:

Amend **CSHB 1886** as follows:

(1) On page 5, line 3, between "facilities," and "airport", insert "desalination project,".

(2) On page 10, line 12, strike "must" and substitute "may".

(3) On page 12, line 23, strike "geotechnical baseline report" and substitute "report containing geotechnical information relating to the project site".

(4) On page 14, line 15, between "permitting" and the semicolon, insert ", if the local governmental entity is responsible for those risks and costs by law or contract".

Amendment No. 3 was adopted.

Amendment No. 4

Representative Eissler offered the following amendment to **CSHB 1886**:

Amend **CSHB 1886** on page 17, between lines 15 and 16, by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 46.008, Education Code, is amended to read as follows:

Sec. 46.008. STANDARDS. (a) The commissioner shall establish standards for adequacy of school facilities. The standards must include requirements related to space, educational adequacy, and construction quality. All new facilities constructed after September 1, 1998, must meet the standards to be eligible to be financed with state or local tax funds.

(b) Any portable, modular building capable of being relocated that is purchased or leased after September 1, 2007, for use as a school facility, regardless of whether the building is an industrialized building as defined by Section 1202.003, Occupations Code, must be inspected as provided by Subchapter E, Chapter 1202, Occupations Code, to ensure compliance with the mandatory building codes or approved designs, plans, and specifications.

Amendment No. 4 was adopted.

CSHB 1886, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2491 ON SECOND READING **(by Berman)**

CSHB 2491, A bill to be entitled An Act relating to political expenditures made by a corporation to finance the establishment and administration of a political committee.

Amendment No. 1

Representative Berman offered the following amendment to **CSHB 2491**:

Amend **CSHB 2491** (House Committee Report) on page 2, by striking lines 20 and 21 and substituting the following:

(4) political campaign brochures and political campaign direct mail;

Amendment No. 1 was adopted.

Amendment No. 2

Representative R. Cook offered the following amendment to **CSHB 2491**:

Amend **CSHB 2491** on page 3, between lines 3 and 4 by inserting a new Subsection (f) to read as follows:

"(f) Subsection (d) does not apply to a corporation or labor organization making an expenditure to communicate with its stockholders or members, as applicable, or with the families of its stockholders or members under Sec. 253.098."

Amendment No. 2 was adopted.

Amendment No. 3

Representative Gallego offered the following amendment to **CSHB 2491**:

Amend **CSHB 2491** as follows:

- (1) On page 2, line 24, strike "and".
- (2) On page 2, line 25, strike the period and substitute the following:

;

- (7) polling; and
- (8) recruiting candidates.

Amendment No. 3 was adopted.

CSHB 2491, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero, Jones, and Leibowitz recorded voting no.)

CSHB 180 ON SECOND READING
(by Zedler, et al.)

CSHB 180, A bill to be entitled An Act relating to the creation and dissolution of a covenant marriage.

Representative Zedler moved to postpone consideration of **CSHB 180** until 10 a.m. Friday, April 27.

The motion prevailed.

CSHB 2994 ON SECOND READING
(by Bonnen and O'Day)

CSHB 2994, A bill to be entitled An Act relating to the authority of certain taxing units to enter into an agreement under the Property Redevelopment and Tax Abatement Act or the Texas Economic Development Act with the owner of certain electric power generation facilities.

(Branch now present)

(Zedler in the chair)

Amendment No. 1

Representative Burnam offered the following amendment to **CSHB 2994**:

Amend **CSHB 2994** (Committee printing) as follows:

- (1) Strike SECTION 1 of the bill and renumber existing SECTIONS accordingly.
- (2) On page 1, line 23, strike "Sections 313.021(1) and (4), Tax Code, are" and substitute "Section 313.021(1), Tax Code, is".
- (3) Strike page 2, line 23, through page 3, line 7, and substitute:
 - (C) tangible personal property that is first
- (4) On page 3, line 23, strike "(E)" and substitute "(D)".
- (5) On page 3, strike line 27 and substitute "Paragraph (A), ~~or~~ (B), or (C).
- (6) On page 4, strike lines 1-21 and substitute:

SECTION 3. Section 313.024, Tax Code, is amended by adding Subsection (b-1) and amending Subsection (c) to read as follows:

(7) On page 4, lines 24 and 25, strike "or nuclear electric power generation".

(8) On page 5, line 3, strike "313.021(1)(E)" and substitute "313.021(1)(D)".

(9) On page 5, at the end of line 24, add "or".

(10) On page 5, strike lines 26 and 27 and substitute: gasification combined cycle technology.

(11) On page 6, line 2, strike "Subdivisions (3) and (4)" and substitute "Subdivision (3)".

(12) On page 6, strike lines 10-12.

Representative Bonnen moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 626): 99 Yeas, 39 Nays, 2 Present, not voting.

Yeas — Alonzo; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dutton; Eiland; Eissler; Elkins; England; Farabee; Flynn; Frost; Gattis; Geren; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Hilderbran; Homer; Hopson; Howard, C.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zerwas.

Nays — Allen; Anchia; Bolton; Burnam; Castro; Chavez; Coleman; Davis, Y.; Dukes; Dunnam; Escobar; Farias; Flores; Gallego; Garcia; Giddings; Heflin; Hernandez; Herrero; Hochberg; Hodge; Howard, D.; King, T.; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; McClendon; Miles; Naishtat; Oliveira; Olivo; Peña; Pierson; Raymond; Rodriguez; Strama; Vaught; Veasey.

Present, not voting — Mr. Speaker; Zedler(C).

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Cohen; Hill; King, S.; Noriega; Thompson; Villarreal; Vo.

Amendment No. 2

Representative Villarreal offered the following amendment to **CSHB 2994**:

Amend **CSHB 2994** as follows:

On page 6, between line 12 and 13, insert the following and renumber succeeding sections accordingly:

SECTION 5. §313.0408. REPORT ON COMPLIANCE WITH AGREEMENTS. (a) Before the beginning of each regular session of the legislature, the comptroller shall submit to the lieutenant governor, the speaker of the house of representatives, and each other member of the legislature a report on grants made under this Chapter that states:

(1) the number of qualifying jobs each recipient of a limitation on appraised value committed to create in this state;

(2) the number of qualifying jobs each recipient created;

(3) the median wage of the jobs each recipient created;

(4) the amount of qualified investment each recipient committed to expend or allocate per project;

(5) the amount of qualified investment each recipient expended or allocated per project;

(6) the market value of the qualified property of each recipient;

(7) the limitation on appraised value for the qualified property of each recipient;

(8) the average amount of property taxes that would have been collected, if taxes were imposed on the market value of each qualified property, for each job created by each recipient;

(9) the number of jobs created by each recipient in each sector of the North American Industry Classification System (NAICS); and

(10) of the number of direct jobs each recipient created, the number of positions created that provide health benefits for employees.

(b) The report may not include information that is made confidential by law.

(c) The comptroller may require a recipient to submit, on a form the comptroller provides, information required to complete the report.

Amendment No. 2 was adopted.

A record vote was requested.

CSHB 2994, as amended, was passed to engrossment by (Record 627): 118 Yeas, 21 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Delisi; Deshotel; Driver; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Flores; Flynn; Frost; Garcia; Gattis; Geren; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McReynolds; Merritt; Miller; Morrison; Murphy; O'Day; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Vaught; Villarreal; Vo; West; Woolley; Zerwas.

Nays — Bolton; Burnam; Castro; Chavez; Dukes; Farias; Gallego; Giddings; Hernandez; Herrero; Hochberg; Hodge; King, T.; Leibowitz; McClendon; Miles; Naishtat; Oliveira; Olivo; Rodriguez; Veasey.

Present, not voting — Mr. Speaker; Zedler(C).

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Davis, J.; Davis, Y.; Martinez Fischer; Mowery; Noriega; Pierson.

STATEMENT OF VOTE

I was shown voting no on Record No. 627. I intended to vote yes.

Olivo

HB 3074 ON SECOND READING

(by Creighton)

HB 3074, A bill to be entitled An Act relating to advertising of entities that contract with local workforce development boards.

HB 3074 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2636 - VOTE RECONSIDERED

Representative Smithee moved to reconsider the vote by which **HB 2636**, as amended, was passed to engrossment.

The motion to reconsider prevailed.

HB 2636 ON SECOND READING

(by Smithee)

HB 2636, A bill to be entitled An Act relating to the nonsubstantive revision of statutes relating to the Texas Department of Insurance, the business of insurance, and certain related businesses, to nonsubstantive additions to and corrections in the codified Insurance Code, and to conforming the provisions of that code that were codified by the 79th Legislature to other Acts of that legislature, including conforming amendments, repeals, and penalties.

Amendment No. 2 (Committee Amendment No. 1)

Representative Smithee offered the following committee amendment to **HB 2636**:

Amend **HB 2636** as follows:

- (1) On page 33, line 13, strike "AND CONFORMING AMENDMENTS".
- (2) On page 33, strike lines 15 through 26.
- (3) Strike page 33, line 27, through page 34, line 2, and substitute the following:

SECTION 1D.003, ADDITION. Chapter 542, Insurance Code, is amended by adding Subchapter C-1 to read as follows:

SUBCHAPTER C-1. REQUEST FOR CLAIMS INFORMATION BY
CERTAIN OFFICIALS

- (4) On page 34, line 3, strike "Sec. 542.105" and substitute "Sec. 542.131".
- (5) On page 119, strike line 1 and substitute the following:
 - (b) A person may not act as a responsible managing employee unless the person holds a license
- (6) On page 172, strike lines 6-9 and substitute the following:
 - (3) Subchapter B, Chapter 1507; and
 - (4) Chapters 1271 and 1272 [~~Chapter 20A~~].
- (7) On page 187, line 13, strike "841.705" and substitute "841.704-841.705".
- (8) On page 202, line 22, strike "Subchapters A-E," and substitute "Subchapter B,".
- (9) On page 203, line 1, strike "Subchapters A-E," and substitute "Subchapter B,".
- (10) On page 203, strike lines 11 through 14 and substitute the following:
a license revoked under Chapter 4005 [~~Article 21.07 or 21.14, or~~
- (11) On page 219, line 10, between "Subchapters A-E" and the comma, insert "and G".
- (12) On page 225, line 6, strike "1305.004(11)," and substitute "1305.004(a)(11),".
- (13) On page 354, between lines 19 and 20, insert the following appropriately numbered SECTION:

SECTION _____. Sections 1272.001(a)(1), (3), and (4), Insurance Code, are amended to conform more closely to the source law from which they were derived to read as follows:

(1) "Delegated entity" means an entity, other than a health maintenance organization authorized to engage in business under Chapter 843, that by itself, or through subcontracts with one or more entities, undertakes to arrange for or provide medical care or health care to an enrollee in exchange for a predetermined payment on a prospective basis and that accepts responsibility for performing on behalf of the health maintenance organization a function regulated by this chapter, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843 or [] 1271, Section 1367.053 [~~or 1367~~], Subchapter A, Chapter 1452, or Subchapter B, Chapter 1507. The term does not include:

(A) an individual physician; or
(B) a group of employed physicians, practicing medicine under one federal tax identification number, whose total claims paid to providers not employed by the group constitute less than 20 percent of the group's total collected revenue computed on a calendar year basis.

(3) "Delegated third party" means a third party other than a delegated entity that contracts with a delegated entity, either directly or through another third party, to:

(A) accept responsibility for performing a function regulated by this chapter, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843 or [§] 1271, Section 1367.053 ~~[or 1367]~~, Subchapter A, Chapter 1452, or Subchapter B, Chapter 1507; or

(B) receive, handle, or administer funds, if the receipt, handling, or administration is directly or indirectly related to a function regulated by this chapter, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843 or [§] 1271, Section 1367.053 ~~[or 1367]~~, Subchapter A, Chapter 1452, or Subchapter B, Chapter 1507.

(4) "Delegation agreement" means an agreement by which a health maintenance organization assigns the responsibility for a function regulated by this chapter, Chapter 222, 251, or 258, as applicable to a health maintenance organization, Chapter 843 or [§] 1271, Section 1367.053 ~~[or 1367]~~, Subchapter A, Chapter 1452, or Subchapter B, Chapter 1507.

Amendment No. 2 was adopted.

HB 2636, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

GENERAL STATE CALENDAR
(consideration continued)

(Hamilton in the chair)

CSHB 1038 ON SECOND READING
(by Ritter)

CSHB 1038, A bill to be entitled An Act relating to the operation of the Texas Residential Construction Commission; providing penalties.

Amendment No. 1

Representative Ritter offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

- (1) On page 2, line 14, strike "constructs" and substitute "sells, constructs,".
- (2) On page 2, line 15, between "construction of" and the colon, insert ", or contracts for the construction of or the supervision or management of the construction of".
- (3) On page 3, line 1, after "by", insert "amending Subsection (b) and".
- (4) On page 3, between lines 2 and 3, insert the following:
 - (b) This title does not apply to a homeowner or to a homeowner's real estate broker, agent, interior designer registered under Chapter 1053, Occupations Code, or property manager who supervises or arranges for the construction of an improvement to a home owned by the homeowner.
- (5) On page 6, line 2, strike "and (e)" and substitute ", (e) , and (f)".
- (6) On page 6, line 8, between "title" and the period, insert ", except as necessary to implement this title".
- (7) On page 6, between lines 8 and 9, insert the following:

(f) Notwithstanding Subsections (d) and (e), the commission may not disclose the address of an individual home registered with the commission:

(1) on the commission's Internet website; or

(2) in connection with an open records request under Chapter 552, Government Code.

(8) On page 6, after line 27, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 416.010, Property Code, is amended by adding Subsection (e) to read as follows:

(e) A builder may designate a United States Postal Service postal box for use in correspondence. The builder may not use the box as the builder's principal place of business for purposes of this section.

(9) On page 10, line 14, strike "or".

(10) On page 10, between lines 14 and 15, insert the following:

(22) failure to participate in commission efforts to resolve a complaint that arises during the construction or renovation of a home;

(23) failure to act in good faith in responding to a commission request for information; or

(11) On page 10, line 15, strike "(22)" and substitute "(24)".

(12) On page 11, strike lines 6 through 13 and substitute the following:

(b) The commission must consider the factors described by Section 419.002(b) before taking disciplinary action under this chapter.

(13) On page 12, line 21, strike "Subsection (a)" and insert "Subsections (a) and (b)".

(14) On page 12, between lines 25 and 26, insert the following:

(b) In determining the amount of an administrative penalty, the hearings officer or commission shall consider:

(1) the seriousness of the violation, including the nature, circumstances, extent, and gravity of the prohibited acts;

(2) the history of previous violations;

(3) the amount necessary to deter a future violation;

(4) efforts to correct the violation; ~~and~~

(5) the deterrent effect on others in the industry;

(6) the economic harm to the homeowner; and

(7) any other matter justice may require.

(15) On page 15, lines 15-16, strike "Sections 427.001(b), (c), and (d), Property Code, are" and substitute "Section 427.001, Property Code, is".

(16) On page 15, line 16, between "amended" and "to read" insert "by amending Subsections (b), (c), and (d) and adding Subsection (c-1)".

(17) On page 16, between lines 2 and 3, insert the following:

(c-1) A third-party inspector who inspects an issue involving a structural matter and an unrelated issue involving workmanship and materials matters must meet the requirements of Subsections (b) and (c).

(18) On page 17, between lines 3 and 4, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 428.003(a), Property Code, is amended to read as follows:

(a) On or before the 30th ~~[15th]~~ day after the date the commission receives a request, the commission shall appoint the next available third-party inspector from the applicable lists of third-party inspectors maintained by the commission under Subsection (c).

(19) On page 17, line 25, strike "section" and substitute "chapter".

(20) On page 17, line 26, between "request" and "may submit", insert "including a third-party warranty company,".

Amendment No. 2

Representative Solomons offered the following amendment to Amendment No. 1:

Amend Floor Amendment No. 1 (**CSHB 1038**), by Ritter, on page 2, line 13, by striking "act in good faith in responding" and substituting "respond".

Amendment No. 2 was adopted.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 4).

CSHB 1038 - (consideration continued)

Amendment No. 1, as amended, was adopted.

Amendment No. 3

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** on page 1, between lines 4 and 5, by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Subchapter A, Chapter 5, Property Code, is amended by adding Section 5.016 to read as follows:

Sec. 5.016. DISCLOSURE OF ABSENCE OF CERTAIN WARRANTIES.

(a) A seller of residential real property that is exempt from Title 16 under Section 401.005 shall give to the purchaser of the property a written notice that reads substantially similar to the following:

NOTICE OF NONAPPLICABILITY OF CERTAIN WARRANTIES AND BUILDING AND PERFORMANCE STANDARDS

The property that is subject to this contract is exempt from Title 16, Property Code, including the provisions of that title that provide statutory warranties and building and performance standards.

(b) A notice required by this section shall be delivered by the seller to the purchaser on or before the effective date of an executory contract binding the purchaser to purchase the property. If a contract is entered into without the seller providing the notice, the purchaser may terminate the contract for any reason on or before the seventh day after the date the purchaser receives the notice.

(c) This section does not apply to a transfer:

- (1) under a court order or foreclosure sale;
- (2) by a trustee in bankruptcy;
- (3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
- (4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
- (5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
- (6) from one co-owner to another co-owner of an undivided interest in the real property;
- (7) to a spouse or a person in the lineal line of consanguinity of the seller;
- (8) to or from a governmental entity; or
- (9) of only a mineral interest, leasehold interest, or security interest.

Amendment No. 3 was adopted.

Amendment No. 4

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** on page 1, between lines 4 and 5, by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 27.002(b), Property Code, is amended to read as follows:

(b) Except as provided by this subsection, to ~~[To]~~ the extent of conflict between this chapter and any other law, including the Deceptive Trade Practices-Consumer Protection Act (Subchapter E, Chapter 17, Business & Commerce Code) or a common law cause of action, this chapter prevails. To the extent of conflict between this chapter and Title 16, Title 16 prevails.

Amendment No. 4 was adopted.

Amendment No. 5

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** on page 1, between lines 4 and 5, by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 27.004(d), Property Code, is amended to read as follows:

(d) The court or arbitration tribunal shall abate ~~[dismiss]~~ an action governed by this chapter if Subsection (c) does not apply and the court or tribunal, after a hearing, finds that the contractor is entitled to abatement ~~[dismissal]~~ because the claimant failed to comply with the requirements of Subtitle D, Title 16, if applicable, failed to provide the notice or failed to give the contractor a reasonable opportunity to inspect the property as required by Subsection (a), or

failed to follow the procedures specified by Subsection (b). An action is automatically abated ~~[dismissed]~~ without the order of the court or tribunal beginning on the 11th day after the date a motion to abate ~~[dismiss]~~ is filed if the motion:

(1) is verified and alleges that the person against whom the action is pending did not receive the written notice required by Subsection (a), the person against whom the action is pending was not given a reasonable opportunity to inspect the property as required by Subsection (a), or the claimant failed to follow the procedures specified by Subsection (b) or Subtitle D, Title 16; and

(2) is not controverted by an affidavit filed by the claimant before the 11th day after the date on which the motion to abate ~~[dismiss]~~ is filed.

Amendment No. 5 was adopted.

Amendment No. 6

Representative McClendon offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) On page 1, line 6, strike "Subsection (c)" and substitute "Subsections (c) and (d)".

(2) On page 2, strike lines 3 through 9 and substitute the following:

(c) A provision of a contract described by Section 41.001(b)(3) that requires the parties to submit a dispute arising under the contract to binding arbitration must:

(1) be conspicuously printed or typed in a size equal to at least 14-point bold type or the computer equivalent; and

(2) provide a space immediately adjacent to the provision for the owner's signature to indicate acknowledgment of notice of the provision.

(d) A provision described by Subsection (c) is not enforceable against the owner unless the requirements of Subsection (c) are met and the owner signs the space acknowledging notice of the provision.

(3) Strike SECTION 20 of the bill and substitute the following:

SECTION 20. Section 426.003, Property Code, is amended by amending Subsection (b) to read as follows:

(b) A builder who enters into a contract for the construction of a new home or an improvement to an existing home in which the value of the work exceeds \$20,000 [transaction governed by this title, other than the transfer of title of a new home from the builder to the seller,] shall register the home involved in the transaction with the commission. The registration must:

(1) include the information required by the commission by rule;

(2) be accompanied by the fee required by Subsection (c); and

(3) be delivered to the commission not later than the 15th day after the earlier of:

(A) the date the construction is substantially completed [of the agreement that describes the transaction between the homeowner and the builder]; or

(B) the date the new home is occupied, if the contract is for the construction of a new home ~~[commencement of the work on the home]~~.

(4) Add the following appropriately numbered SECTIONS and renumber the SECTIONS of the bill accordingly:

SECTION _____. Section 162.003, Property Code, is amended to read as follows:

Sec. 162.003. BENEFICIARIES OF TRUST FUNDS. (a) An artisan, laborer, mechanic, contractor, subcontractor, or materialman who labors or who furnishes labor or material for the construction or repair of an improvement on specific real property in this state is a beneficiary of any trust funds paid or received in connection with the improvement.

(b) A homeowner, as defined by Section 401.002, is a beneficiary of trust funds paid in connection with a residential construction contract governed by Title 16 and held for the purpose of satisfying the cost of materials and workmanship for labor and materials provided by persons described by Subsection (a) for the homeowner under the contract.

SECTION _____. Section 162.006(a), Property Code, is amended to read as follows:

(a) A contractor who enters into a written contract with a property owner or homeowner, as defined by Section 401.002, to construct improvements to ~~[a]~~ residential property ~~[homestead]~~ for an amount exceeding \$5,000 shall deposit the trust funds in a construction account in a financial institution.

SECTION _____. Subtitle C, Title 16, Property Code, is amended by adding Chapter 420 to read as follows:

CHAPTER 420. BUILDING CONTRACT PROVISIONS

Sec. 420.001. REQUIRED WRITTEN DISCLOSURE. Before beginning work on a project to construct a new home or an improvement to an existing home when the cost of the work exceeds \$10,000, a builder must provide a notice to the homeowner in at least 14-point bold type that gives the telephone number of the commission and states:

STATE LAW REQUIRES THAT A PERSON HOLD A CERTIFICATE OF REGISTRATION FROM THE TEXAS RESIDENTIAL CONSTRUCTION COMMISSION IF THE PERSON CONTRACTS TO CONSTRUCT A NEW HOME OR IF THE PERSON CONTRACTS TO CONSTRUCT AN IMPROVEMENT TO AN EXISTING HOME AND THE TOTAL COST OF THE IMPROVEMENT IS \$10,000 OR MORE (INCLUDING LABOR AND MATERIALS).

BUILDERS ARE REGULATED BY LAWS DESIGNED TO PROTECT THE PUBLIC. YOU MAY CONTACT THE COMMISSION AT [insert commission's telephone number] TO FIND OUT WHETHER THE BUILDER HAS A VALID CERTIFICATE OF REGISTRATION. THE COMMISSION HAS COMPLETE INFORMATION ON THE HISTORY OF BUILDERS, INCLUDING ANY SUSPENSION, REVOCATION, COMPLAINT, AND RESOLUTION OF COMPLAINT.

IF YOU HAVE A COMPLAINT AGAINST A BUILDER, YOU MAY CONTACT THE TOLL-FREE TELEPHONE NUMBER TO OBTAIN A COMPLAINT FORM AND FURTHER INFORMATION.

IF THE BUILDER FAILED TO COMPLETE THE WORK OR PERFORMED POOR QUALITY WORK, YOU MAY FILE A COMPLAINT WITH THE COMMISSION BY CONTACTING THE TOLL-FREE TELEPHONE NUMBER. YOU MUST FILE ALL COMPLAINTS WITHIN TWO YEARS OF THE DATE THE BUILDER ABANDONED THE PROJECT OR PERFORMED THE POOR QUALITY WORK.

Sec. 420.002. REQUIRED CONTRACT PROVISIONS. A contract for the construction of a new home or an improvement to an existing home when the cost of the work exceeds \$10,000 is not enforceable against a homeowner unless the contract:

(1) contains the builder's name, physical address, and certificate of registration number; and

(2) contains the notice required by Section 420.001.

Sec. 420.003. BINDING ARBITRATION CONTRACT PROVISION. (a) A provision in a contract for the construction of a new home, or the improvement of an existing home in which the value of the work exceeds \$10,000, that requires the parties to submit a dispute arising under the contract to binding arbitration must:

(1) be conspicuously printed or typed in a size equal to at least 14-point bold type or the computer equivalent; and

(2) provide a space immediately adjacent to the provision for the homeowner's signature to indicate acceptance of the provision.

(b) A provision described by Subsection (a) is not enforceable against the homeowner unless the requirements of Subsection (a) are met and the homeowner signs the space accepting the provision.

Amendment No. 6 was adopted.

Amendment No. 7

Representative McClendon offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) Strike SECTION 2 of the bill and substitute the following:

SECTION 2. Section 401.003, Property Code, is amended to read as follows:

Sec. 401.003. DEFINITION OF BUILDER. (a) In this title, "builder" means any person ~~[business entity or individual]~~ who, for a fixed price, commission, fee, wage, or other compensation, sells, constructs, or supervises or manages the construction of:

(1) a new home;

(2) a material improvement to a home, other than an improvement solely to replace or repair a roof of an existing home; or

(3) an improvement to the interior of an existing home when the cost of the work exceeds \$10,000 ~~[\$20,000]~~.

(b) The term includes:

(1) an owner, officer, director, shareholder, partner, affiliate, subsidiary, or employee of the builder;

(2) a risk retention group governed by Article 21.54, Insurance Code, that insures all or any part of a builder's liability for the cost to repair a residential construction defect; and

(3) a third-party warranty company and its administrator.

(c) The term does not include any person [~~business entity or individual~~] who:

(1) has been issued a license by this state or an agency [~~or political subdivision~~] of this state to practice a trade or profession related to or affiliated with residential construction if the work being done by the entity or individual to the home is solely for the purpose for which the license was issued; or

(2) sells a new home and:

(A) does not construct or supervise or manage the construction of the home; and

(B) holds a license issued under Chapter 1101, Occupations Code, or is exempt from that chapter under Section 1101.005, Occupations Code.

(2) Strike SECTION 33 of the bill and substitute the following:

SECTION 33. Subchapter Z, Chapter 214, Local Government Code, is amended by adding Section 214.906 to read as follows:

Sec. 214.906. CERTIFICATE OF REGISTRATION NUMBER REQUIRED FOR RESIDENTIAL CONSTRUCTION PERMIT. A municipality may not issue a permit that authorizes the construction of a new single-family house or duplex or the improvement of an existing single-family house or duplex by a builder who is required to hold a certificate of registration issued by the Texas Residential Construction Commission unless the builder provides the builder's certificate of registration number to the municipality.

(3) Add the following appropriately numbered SECTIONS and renumber the SECTIONS of the bill accordingly:

SECTION _____. Subchapter K, Chapter 53, Property Code, is amended by adding Section 53.2555 to read as follows:

Sec. 53.2555. CERTIFICATE OF REGISTRATION NUMBER. (a) A contractor who is required to register as a builder with the Texas Residential Construction Commission shall include, in a clear and conspicuous manner, the contractor's certificate of registration number on each residential construction contract.

(b) The failure of a contractor to comply with Subsection (a) makes void any mechanic's or materialman's lien by the contractor or a subcontractor.

SECTION _____. Section 401.002(7), Property Code, is amended to read as follows:

(7) "Homeowner" means an individual [~~a person~~] who owns a home and who contracts with a builder for the construction of a new home or an improvement to an existing home. The term includes an attorney-in-fact or legal representative of the individual or the individual's estate or a subrogee or assignee of the individual [~~a person who owns a home~~].

Amendment No. 8

Representative McClendon offered the following amendment to Amendment No. 7:

Amend Floor Amendment No. 7, by McClendon, to **CSHB 1038** on page 2, by striking lines 14-21 and substituting the following:

Sec. 214.906. VERIFICATION OF BUILDER REGISTRATION. A municipality may not issue a building permit to a builder, as defined by Section 401.003, Property Code, for construction described by Section 401.003(a) of that code, unless the municipality has determined that the builder is registered with the Texas Residential Construction Commission under Chapter 416 of that code. A municipality shall verify that the builder's registration number is both current and valid and make a record of that registration number.

Amendment No. 8 was adopted.

Amendment No. 7, as amended, was adopted.

Amendment No. 9

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

- (1) On page 2, line 14, strike "constructs" and substitute "sells, constructs,".
- (2) On page 2, line 15, between "construction of" and the colon, insert ", or contracts for the construction of or the supervision or management of the construction of".

Amendment No. 9 was withdrawn.

Amendment No. 10

Representative Geren offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** to read as follows:

- 1) On page 3, line 4, strike the words "with the intent to sell" and substitute "and sells"

- 2) On page 3, line 9, after "individual." add "Liability under this subsection does not automatically require an individual to register under Section 416.001."

- 3) Add the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 401.002, Property Code, is amended to read as follows:

- (8) Improvement to the interior of an existing home—any modification to the interior living space of a home which includes the addition or installation of permanent fixtures inside the home. An improvement to the interior of an existing home does not include improvements to an existing home if the improvements are designed primarily to repair or replace the home's component parts.

- (9) ~~(8)~~ "Limited statutory warranty and building and performance standards" means the limited statutory warranty and building and performance standards adopted by the commission under Section 430.001.

(10) Material improvement—a modification to an existing home that either increases or decreases the home's total square footage of living space that also modifies the home's foundation, perimeter walls or roof. A material improvement does not include modifications to an existing home if the modifications are designed primarily to repair or replace the home's component parts.

(11) ~~(9)~~ "Nonstructural matter" has the meaning assigned by the limited statutory warranty and building and performance standards adopted by the commission under Section 430.001.

(12) ~~(10)~~ "Request" means a request submitted under Section 428.001.

(13) ~~(11)~~ "State inspector" means a person employed by the commission under Section 427.002.

(14) ~~(12)~~ "State-sponsored inspection and dispute resolution process" means the process by which the commission resolves a request.

(15) ~~(13)~~ "Structural" means the load-bearing portion of a home.

(16) ~~(14)~~ "Structural failure" has the meaning assigned by the limited statutory warranty and building and performance standards adopted by the commission under Section 430.001.

(17) ~~(15)~~ "Third-party inspector" means a person appointed by the commission under Section 428.003.

(18) ~~(16)~~ "Warranty of habitability" means a builder's obligation to construct a home or home improvement that is in compliance with the limited statutory warranties and building and performance standards adopted by the commission under Section 430.001 and that is safe, sanitary, and fit for humans to inhabit.

4) On page 20, line 8, after the words "Property Code" and before "." add "or is exempt from registration under Section 401.005, Property Code".

Amendment No. 10 was adopted.

Amendment No. 11

Representative McClendon offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) On page 5, between lines 16 and 17, insert the following:

(d) Fees paid to the commission under Subsections (b) and (c) are nonrefundable.

(e) The commission may waive or reduce the fee for an inspection under Subtitle D for a homeowner who demonstrates an inability to pay the fee.

(2) On page 6, line 10, strike "Subsection (c)" and substitute "Subsections (c) and (d)".

(3) On page 6, between lines 21 and 22, insert the following:

(d) The fees in Subsection (a) apply to each builder, including each sole proprietor, corporation, limited liability company, partnership, limited partnership, limited liability partnership, and subsidiary.

(4) Add the following appropriately numbered SECTION and renumber the SECTIONS of the bill accordingly:

SECTION _____. Chapter 409, Property Code, is amended by adding Section 409.004 to read as follows:

Sec. 409.004. DIRECTORY OF BUILDERS. The commission shall make available to the public a list of each builder who holds a certificate of registration issued under Chapter 416.

Amendment No. 11 was adopted.

Amendment No. 12

Representative McClendon offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) On page 6, line 22, strike "Section 416.008(d), Property Code, is" and substitute "Sections 416.008(d) and (e), Property Code, are".

(2) On page 6, following line 27, insert the following:

(e) The hearing shall be held before a hearings officer appointed by the commission. After the hearing, the hearings officer shall enter an appropriate order. ~~[The order of the hearings officer under this subsection is a final decision.]~~

(3) On page 10, line 14, strike "or".

(4) On page 10, line 16, strike the period and substitute ";".

(5) On page 10, between lines 16 and 17, insert the following:

(24) failure to obtain a permit required by a political subdivision before constructing a new home or an improvement to an existing home; or

(25) abandoning or wilfully failing to perform, without justification, any home improvement contract or residential construction project engaged in or undertaken by the person, if found to have done so by a final, nonappealable judgment of a court.

(6) On page 10, lines 18 and 19, strike "or impose an administrative penalty".

(7) On page 12, line 10, strike "(a)".

(8) On page 12, strike lines 16 through 19.

Amendment No. 12 was adopted.

Amendment No. 13

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) On page 4, line 2, between "the" and "commission", insert "attorney general or the".

(2) On page 4, between lines 7 and 8, insert the following:

(d) A suit under this section must be brought in Travis County.

(e) The attorney general and the commission may recover reasonable expenses incurred in obtaining injunctive relief under this section, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs.

(3) On page 4, line 8, strike "(d)" and substitute "(f)".

Amendment No. 13 was adopted.

(Goolsby in the chair)

Amendment No. 14

Representative T. Smith offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** on page 4, between lines 11 and 12, by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 406.001, Property Code, is amended by amending Subsection (a) and adding Subsections (c), (d), (e), and (f) to read as follows:

(a) The Texas Residential Construction Commission consists of nine members appointed by the governor with the advice and consent of the senate as follows:

(1) four members must be builders who each hold a certificate of registration under Chapter 416;

(2) three members must be representatives of the general public, each of whom has demonstrated a continued interest in consumer protection;

(3) one member must be a licensed professional engineer who practices in the area of residential construction; and

(4) one member must be either a licensed architect who practices in the area of residential construction or a building inspector who meets the requirements set forth in Chapter 427 and practices in the area of residential construction.

(c) A person may not be a public member of the commission if the person or the person's spouse:

(1) is a builder registered with the commission, or is otherwise registered, certified, or licensed by a regulatory agency in the field of residential construction;

(2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the commission;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the commission; or

(4) uses or receives a substantial amount of tangible goods, services, or money from the commission other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses.

(d) A person may not be a member of the commission and may not be a commission employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.) if:

(1) the person is an officer, employee, manager, or paid consultant of a Texas trade association in the field of residential construction; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of residential construction.

(e) A person may not be a member of the commission or act as general counsel to the commission if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

(f) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

Amendment No. 14 was adopted.

Amendment No. 15

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** on page 6, between lines 8 and 9, by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 416.002, Property Code, is amended by adding Subsection (e) to read as follows:

(e) Based on a commission investigation of an alleged violation of Sections 418.001(a)(14) through (20), the commission may require an applicant for renewal of a certificate of registration to disclose to the commission every person with a financial or management interest in the applicant's business as a builder. This subsection does not apply to a publicly traded company.

Amendment No. 15 was adopted.

Amendment No. 16

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) On page 7, line 9, strike "Section 416.012" and substitute "Sections 416.012 and 416.013".

(2) On page 7, between lines 16 and 17, insert the following:

Sec. 416.013. CONTINUING EDUCATION. (a) During the first year a builder is registered with the commission, the builder must complete five hours of continuing education, one hour of which must address ethics.

(b) After satisfying the requirements of Subsection (a), a builder must complete five hours of continuing education, one hour of which must address ethics, once every five years.

(c) Continuing education courses that satisfy the requirements of this section must address the International Residential Code for One- and Two-Family Dwellings adopted under Section 430.001 and state laws and rules that apply to builders under this chapter.

(d) The commission by rule shall approve continuing education courses, course content, and course providers. This subsection does not prohibit the commission from providing continuing education courses for a reasonable fee.

Amendment No. 16 was adopted.

Amendment No. 17

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) On page 10, line 14, strike "or".

(2) On page 10, between lines 14 and 15, insert the following:

(22) failure to substantially complete all the obligations under an express contract for construction without reasonable grounds for the failure, if found by a final nonappealable court judgment; or

(3) On page 10, line 15, strike "(22)" and substitute "(23)".

(Speaker in the chair)

Amendment No. 17 was adopted.

Amendment No. 18

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** on page 6, between lines 8 and 9, by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 416.002, Property Code, is amended by adding Subsection (e) to read as follows:

(e) Based on a commission investigation of an alleged violation of Sections 418.001(a)(14) through (20), the commission may require an applicant for renewal of a certificate of registration to disclose to the commission every person with a financial or management interest in the applicant's business as a builder. This subsection does not apply to a publicly traded company.

Amendment No. 18 was withdrawn.

Amendment No. 19

Representative Eiland offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

Add a new section after page 20, line 8 as follows:

Amend Section 426.001 of the Texas by adding subsection (d) as follows:

(d) Notwithstanding any other provision, the state-sponsored inspection and dispute resolution process is voluntary at the discretion of a homeowner until such time as a homeowner submits a request for the state-sponsored inspection and dispute resolution.

(1) A builder may not require by contract or otherwise that a homeowner use the state-sponsored inspection and dispute resolution process. The builder may not represent directly or indirectly that the state-sponsored inspection and dispute resolution process is required of a homeowner.

(2) The provisions of subsection (d) may not be waived, voided, or nullified.

Strike in Section 22, page 14, line 8 "must" and substitute "need not."

Strike in Section 22, page 14, lines 14-18.

Representative Ritter moved to table Amendment No. 19.

A record vote was requested.

The motion to table prevailed by (Record 628): 92 Yeas, 47 Nays, 2 Present, not voting.

Yeas — Alonzo; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; England; Escobar; Farabee; Flynn; Frost; Gattis; Geren; Goolsby; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hilderbran; Hill; Hochberg; Homer; Hopson; Isett; Jackson; Jones; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Martinez; McReynolds; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Puente; Quintanilla; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Strama; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Anchia; Anderson; Bailey; Bolton; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; Flores; Garcia; Gonzales; Gonzalez Toureilles; Guillen; Hartnett; Hernandez; Herrero; Howard, D.; Hughes; King, T.; Leibowitz; Mallory Caraway; Martinez Fischer; McCall; McClendon; Naishtat; Noriega; Olivo; Ortiz; Peña; Pierson; Raymond; Rodriguez; Smithee; Solomons; Talton; Thompson; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C); Howard, C.

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Cohen; Farias; Gallego; Giddings; Hodge; Miles.

STATEMENTS OF VOTE

When Record No. 628 was taken, I was in the house but away from my desk. I would have voted yes.

Giddings

I was shown voting yes on Record No. 628. I intended to vote no.

T. Smith

(P. King in the chair)

Amendment No. 20

Representative Farrar offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

Amend Sec 436.002 of the property code to add section (c) and read as follows; then renumber as appropriate.

§436.002. APPLICABILITY. (a) This subtitle applies only to an arbitration of a dispute between a homeowner and a builder that involves an alleged construction defect.

(b) The requirements of this subtitle supplement Chapter 171, Civil Practice and Remedies Code, and the Federal Arbitration Act (9 U.S.C. Sections 1-16), as amended.

(c) The requirement of arbitration in a dispute involving a construction defect shall be made optional.

Amendment No. 20 was withdrawn.

Amendment No. 21

Representative Raymond offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** by inserting the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION _____. Chapter 426, Property Code, is amended by adding Section 426.009 to read as follows:

Sec. 426.009. ABATEMENT OF PARALLEL PROCEEDING. (a) This section applies only to a suit between a homeowner and a builder in which:

(1) a request for resolution is filed with the commission under this title;
and

(2) the request relates directly to the subject matter of the suit.

(b) A court shall abate a suit to which this section applies if the request for resolution is filed before the 90th day after the date the suit is filed. The court may grant or continue any temporary relief necessary to preserve the status quo pending a final determination of the suit.

(c) If the commission grants the request or reconsiders and grants a request that had previously been denied, the court may, on motion of the commission or any interested party, dismiss the suit if the issues involved in the request predominate in the suit.

Amendment No. 21 was withdrawn.

Amendment No. 22

Representative Leibowitz offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION _____. Chapter 419, Property Code, is amended by adding Section 419.0031 to read as follows:

Sec. 419.0031. INTEREST ON UNPAID PENALTY. Interest accrues on an unpaid administrative penalty at a rate of 18 percent compounded annually beginning on the day after the date specified for payment under Section 419.003.

SECTION _____. The change in law made by Section 419.0031, Property Code, as added by this Act, applies only to an administrative penalty assessed on or after the effective date of this Act. A penalty assessed before the effective date of this Act is subject to the law in effect immediately before that date, and that law is continued in effect for that purpose.

Amendment No. 22 was adopted.

Amendment No. 23

Representative Leibowitz offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 409, Property Code, is amended by adding Section 409.0011 to read as follows:

Sec. 409.0011. BUILDER LIST. (a) In this section, "volume builder" means a builder who registers at least 100 homes each year as provided by Section 426.003.

(b) The commission shall create and make accessible to the public an electronic list and a hard-copy list of builders who:

(1) are registered with the commission; and

(2) provide in this state building services, including accessible floor plans, to persons with mobility-related special needs.

(c) The electronic list required under Subsection (b) shall provide, if available, the following information with respect to each listed builder:

(1) a link to the builder's website; and

(2) contact information for the builder, including the municipalities where the builder provides building services described by Subsection (b)(2).

(d) The commission shall contact all volume builders in this state who do not provide building services to persons with mobility-related special needs as described by Subsection (b)(2) and encourage those builders to develop floor plans that are designed to be accessible for persons with mobility-related special needs.

(e) Before a volume builder is included on the electronic or hard-copy list described by Subsection (b), the commission must certify the builder's floor plans designed for persons with mobility-related special needs. The commission shall establish rules, procedures, and fees necessary to certify floor plans as required by this subsection.

(f) The Veterans' Land Board shall make accessible to the public on its Internet website and in hard-copy format the electronic list required under Subsection (b).

Amendment No. 23 was adopted.

Amendment No. 24

Representative Flores offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** by inserting the following appropriately numbered SECTION and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Chapter 430, Property Code, is amended by adding Section 430.0015 to read as follows:

Sec. 430.0015. USE OF CERTAIN MATERIALS PROHIBITED. In adopting building and performance standards under Section 430.001, the commission shall require the use of graded rebar in accordance with the requirements of the building code in effect in the political subdivision in which the residential construction occurs.

Amendment No. 24 was adopted.

Amendment No. 25

Representative McClendon offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) Add the following appropriately numbered SECTION and renumber the SECTIONS of the bill accordingly:

SECTION _____. Section 426.001(a), Property Code, is amended to read as follows:

(a) This subtitle applies to a dispute between a builder and a homeowner if:

(1) the dispute arises out of an alleged construction defect, other than a claim solely for:

(A) personal injury, survival, or wrongful death; or

(B) damage to goods; and

(2) a request is submitted to the commission not later than the 30th day after ~~[on or before]~~ the 10th anniversary of:

~~(A) the date of the initial transfer of title from the builder to the first homeowner to own~~ ~~[initial owner of]~~ the home or the improvement that is the subject of the dispute; or

~~(B)[;] if there is not a closing in which title is transferred, the date on which the~~ ~~[contract for]~~ construction of the improvement was substantially completed ~~[entered into]~~.

(2) On page 20, line 13, after the period, insert "The speaker of the house of representatives shall appoint two additional members of the house of representatives who have expressed an interest in this issue as voting adjunct members of the committee for the purpose of participating in the study."

Amendment No. 25 was adopted.

Amendment No. 26

Representative Burnam offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 406.001, Property Code, is amended by amending Subsection (a) and adding Subsections (c), (d), (e), and (f) to read as follows:

(a) The Texas Residential Construction Commission consists of nine members appointed by the governor with the advice and consent of the senate as follows:

(1) three ~~four~~ members must be builders who each hold a certificate of registration under Chapter 416;

(2) four ~~three~~ members must be representatives of the general public, each of whom has demonstrated a continued interest in consumer protection;

(3) one member must be a licensed professional engineer who practices in the area of residential construction; and

(4) one member must be either a licensed architect who practices in the area of residential construction or a building inspector who meets the requirements set forth in Chapter 427 and practices in the area of residential construction.

(c) A person may not be a public member of the commission if the person or the person's spouse:

(1) is a builder registered with the commission, or is otherwise registered, certified, or licensed by a regulatory agency in the field of residential construction;

(2) is employed by or participates in the management of a business entity or other organization regulated by or receiving money from the commission;

(3) owns or controls, directly or indirectly, more than a 10 percent interest in a business entity or other organization regulated by or receiving money from the commission; or

(4) uses or receives a substantial amount of tangible goods, services, or money from the commission other than compensation or reimbursement authorized by law for commission membership, attendance, or expenses.

(d) A person may not be a member of the commission and may not be a commission employee employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if:

(1) the person is an officer, employee, manager, or paid consultant of a Texas trade association in the field of residential construction; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association in the field of residential construction.

(e) A person may not be a member of the commission or act as general counsel to the commission if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to the operation of the commission.

(f) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

Representative Ritter moved to table Amendment No. 26.

A record vote was requested.

The motion to table prevailed by (Record 629): 109 Yeas, 31 Nays, 2 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Deshotel; Driver; Dunnam; Eissler; Elkins; England; Escobar; Farabee; Flores; Flynn; Frost; Garcia; Gattis; Geren; Giddings; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hilderbran; Hill; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McCall; McReynolds; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Oliveira; Orr; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rose; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Truitt; Turner; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Bailey; Burnam; Castro; Chavez; Coleman; Dukes; Dutton; Eiland; Farias; Gallego; Gonzales; Gonzalez Toureilles; Hernandez; Herrero; Hochberg; Hodge; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; Miles; Naishtat; Noriega; Ortiz; Rodriguez; Thompson; Vaught; Veasey; Villarreal.

Present, not voting — Mr. Speaker; King, P.(C).

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Davis, Y.; McClendon; Olivo; Pierson; Vo.

Amendment No. 27

Representative Thompson offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** by inserting the following appropriately numbered SECTIONS and renumbering existing SECTIONS of the bill accordingly:

SECTION _____. Title 16, Property Code, is amended by adding Subtitle F to read as follows:

SUBTITLE F. HOMEOWNER REMEDIES

CHAPTER 445. NEW HOME BUYERS

Sec. 445.001. DEFINITIONS. In this chapter:

(1) "Defect" means a construction defect or any other condition that prevents a home from conforming to an applicable warranty.

(2) "Homebuyer" means a person who:

(A) purchased a home from a builder and is entitled to enforce the terms of the builder's warranty with respect to the home;

(B) is a lessor or lessee, other than a sublessee, who purchased or leased the home from the builder; or

(C) is a transferee or assignee of a person described by Paragraph (A) or (B) if the transferee or assignee is a resident of this state and entitled to enforce the terms of the builder's warranty.

(3) "Serious safety hazard" means a life-threatening malfunction, installation defect, or nonconformity that substantially impedes a person's ability to live in or use a home or that creates a substantial risk of fire, explosion, or exposure to a toxic substance.

(4) "Warranty" means the statutory warranties under Chapter 430 and any additional warranty provided by a builder in accordance with Sections 430.006 and 430.007.

Sec. 445.002. APPLICABILITY OF CERTAIN OTHER LAW OR CONTRACT PROVISIONS. (a) This chapter supersedes any other law or contract provision that conflicts with this chapter, including the Deceptive Trade Practices-Consumer Protection Act (Subchapter E, Chapter 17, Business & Commerce Code).

(b) The remedies provided by this chapter supersede remedies available under Chapter 27 or the Deceptive Trade Practices-Consumer Protection Act (Subchapter E, Chapter 17, Business & Commerce Code).

(c) If a dispute to which this chapter applies is also subject to Chapter 426, the homebuyer must comply with Subtitle D before pursuing a remedy under this chapter.

(d) Except as provided by this section, this chapter does not limit the rights or remedies otherwise available to a homebuyer under any other law.

(e) A contract provision that excludes or modifies the remedies provided by this chapter is prohibited and is void as against public policy unless the exclusion or modification is included in a settlement agreement between a homebuyer and a builder.

Sec. 445.003. COMPLAINT. A homebuyer may seek a remedy provided by this chapter by:

(1) providing to the builder written notice identifying each defect in the home that is covered by the builder's warranty; and

(2) filing a complaint with the commission that includes a copy of the notice provided under Subdivision (1) on or before the 30th day after the date the notice is provided.

Sec. 445.004. HEARING. (a) The commission may hold a hearing on any allegation in a complaint that is not privately resolved between the homebuyer and the builder.

(b) The contested case provisions of Chapter 2001, Government Code, apply to a hearing conducted under this chapter.

Sec. 445.005. TIME FOR FILING COMPLAINT. (a) Except as provided by Subsection (b), a homebuyer must file a complaint under this chapter before the earlier of:

(1) the date the applicable warranty period expires; or

(2) the 10th anniversary of the closing date.

(b) If the dispute is submitted to the state-sponsored inspection and dispute resolution process, a complaint under this chapter must be submitted not later than the 30th day after the date the third-party inspector's recommendation is issued or, if the homebuyer appeals the inspector's recommendation, the 30th day after the date the appeals panel issues a ruling on the appeal.

Sec. 445.006. AFFIRMATIVE DEFENSE. In a hearing before the commission under this chapter, a builder may assert as an affirmative defense to an allegation of a defect made in a complaint filed under this chapter that the defect is the result of abuse, neglect, or modifications or alterations of the home made by a person other than the builder.

Sec. 445.007. REPAIR REQUIRED. (a) Except as provided by Section 445.009, if a defect exists, the builder shall make the repairs necessary to conform the home to the builder's warranties if:

(1) the homebuyer or the homebuyer's designated agent reported the defect to the builder or the builder's agent before the expiration of the applicable time limit under Section 445.005; or

(2) a breach of warranty on the home is established.

(b) The builder must make the repairs required under Subsection (a) not later than the 120th day after the date the notice of the defect required by Section 445.003 is received by the commission.

Sec. 445.008. RETURN OR REPLACEMENT REQUIRED. (a) Except as provided by Section 445.009, if the builder is unable to cure a defect within the period prescribed by Section 445.007(b) and the defect creates a serious safety hazard, substantially impairs the use of the home, or decreases the home's market value by more than five percent, the builder shall at the homebuyer's option:

(1) replace the home with a comparable home in the same neighborhood; or

(2) accept return of the home from the homebuyer and refund to the homebuyer the full purchase price and any closing costs and reasonable moving costs.

(b) The commission may not order a remedy under this section unless the builder has been provided at least the number of days prescribed by Section 445.007(b) to cure the defect that is subject to the remedy provided by this section. The period required by this subsection is extended by the amount of time during which repair services are not available to a homebuyer because of a war, invasion, strike, or fire, flood, or other natural disaster.

Sec. 445.009. MOLD CONTAMINATION. (a) Not later than the 30th day after the date of a hearing examiner's order of a remedy under this section, the builder shall accept return of the home from the homebuyer and refund to the homebuyer the full purchase price and any closing costs and reasonable moving costs if, in addition to notice of a defect required by Section 445.003, a homebuyer:

(1) provides to the contractor and the commission written results of tests that:

(A) are conducted by a mold testing laboratory certified for the purposes of this section; and

(B) demonstrate proof of unacceptable levels of toxic mold contamination that pose an imminent threat to the health, safety, or welfare of the inhabitants; and

(2) establishes that the contamination arises out of the defect.

(b) The commission by rule shall designate at least one private organization that certifies mold testing laboratories from whom certification is sufficient for the purposes of this section.

Sec. 445.010. REIMBURSEMENT OF EXPENSES. (a) If a builder is ordered to replace a home or refund the purchase price under Section 445.008 or 445.009, the builder shall reimburse the homebuyer for:

(1) reasonable incidental costs resulting from the loss of the use of the home because of the defect; and

(2) lost wages resulting from time required for appointments with the builder or the builder's representative that are necessary because of the defect.

(b) As necessary to promote the public interest, the commission by rule:

(1) shall define the incidental costs that are eligible for reimbursement under Subsection (a) and specify other requirements necessary to determine an eligible cost; and

(2) may set a maximum amount that is eligible for reimbursement, either by type of eligible cost or by a total for all costs.

(c) Refunds shall be made to the homebuyer and primary lienholder, as applicable.

Sec. 445.011. OTHER REMEDIES NOT PRECLUDED. This chapter does not prevent a homebuyer from obtaining a remedy available to the homebuyer under a new home warranty that provides remedies in addition to those provided by this chapter.

Sec. 445.012. RIGHT TO FILE ACTION. (a) Except as provided by this section, a homebuyer may not seek the remedies provided by this chapter in a civil action unless the homebuyer files a complaint against the builder under this chapter and exhausts the administrative proceedings provided by this chapter. A court shall dismiss an action filed in violation of this section.

(b) If the hearing examiner does not issue a proposal for decision and make a recommendation to the commission for a final order on or before the 150th day after the date a complaint is filed under this chapter, the commission shall provide written notice, by certified mail, to the complainant and the builder.

(c) The notice must inform the recipient of:

(1) the date the period for issuing a final order under this chapter expires; and

(2) the complainant's right to file an action under this section.

(d) After receiving a notice of the right to file an action under Subsection (b), a complainant may file an action against a builder named in the complaint. The commission's failure to issue a notice of the right to file an action does not affect a complainant's right to bring an action under this section.

Sec. 445.013. JUDICIAL REVIEW. A final order of the commission under this chapter:

(1) is the final action of the commission under this chapter; and

(2) is subject to review only by judicial review as provided by Chapter 2001, Government Code, to the extent that chapter is not inconsistent with this chapter.

Sec. 445.014. INITIATION OR REMOVAL OF ACTION. (a) Except as otherwise provided by this chapter, an appeal initiated under this chapter may be removed to the Third Court of Appeals District if any party to the action files a notice of removal with the district court before the trial in the district court begins.

(b) An appeal initiated in or removed to the Third Court of Appeals District:

(1) must be initiated under Chapter 2001, Government Code, as if initiated in a Travis County district court; and

(2) is governed from the time of filing by the Texas Rules of Appellate Procedure.

(c) If evidence outside the commission's record is to be admitted in an appeal under Chapter 2001, Government Code, or otherwise, the action:

(1) must be initiated in a Travis County district court; or

(2) if initiated in the Third Court of Appeals District, is subject to remand to a Travis County district court for proceedings in accordance with instructions from the court of appeals.

(d) Citation must be served on the commission and each party of record before the commission. For an appeal initiated in the Third Court of Appeals District, the court shall cause citation to be issued.

Sec. 445.015. DILIGENCE REQUIRED. (a) An appellant must pursue an appeal with reasonable diligence. If an appellant fails to prosecute an appeal in the six-month period after the appeal is filed, the court shall presume that the appeal has been abandoned and dismiss the appeal if a motion for dismissal is submitted by the attorney general or another party.

(b) An appeal may not be dismissed under this section if the appellant, after receiving notice and an opportunity to be heard, demonstrates good cause for a delay.

Sec. 445.016. DISCLOSURE REQUIRED. (a) A builder who is ordered to refund the purchase price of or replace a home under this chapter shall provide to the first retail purchaser of the home after the home was repurchased or replaced by the builder a disclosure statement stating that the home was repurchased or replaced by the builder under this chapter.

(b) The disclosure statement must include the toll-free telephone number established by the commission under Section 445.018.

(c) Before a home repurchased or replaced under this chapter may be sold again, the deed that transfers title to the home must be marked with a clear statement that indicates that the home was repurchased or replaced under this chapter.

Sec. 445.017. RESTORATION OF WARRANTY REQUIRED. A builder who sells a home after repurchasing or replacing the home under this chapter must restore the home in a manner that conforms with the limited statutory warranties and building and performance standards.

Sec. 445.018. TOLL-FREE TELEPHONE NUMBER. The commission shall establish a toll-free telephone number for providing information to persons who request information about a defect that was the basis for ordering a remedy under this chapter. The commission shall maintain an effective method of providing information to persons who make requests.

Sec. 445.019. ANNUAL REPORT. (a) The commission shall publish and make available to the public an annual report relating to homes ordered repurchased or replaced by a builder under this chapter.

(b) The report must:

- (1) list the number of homes by subdivision name, if any;
- (2) identify the builder; and
- (3) include a brief description of each defect that was the subject of a remedy provided by this chapter.

(c) The commission may charge a reasonable fee to recover the cost of the report.

Sec. 445.020. DISCIPLINARY PROCEEDINGS; ADMINISTRATIVE PENALTY. A builder who violates this chapter or a rule or order adopted under this chapter is subject to disciplinary action and an administrative penalty under Chapters 418 and 419.

SECTION ____. Subtitle F, Title 16, Property Code, as added by this Act, applies only to the sale of a new home for which the closing date is on or after the effective date of this Act. A sale of a new home for which the closing date was before the effective date of this Act is governed by the law in effect at the time of the sale, and that law is continued in effect for that purpose.

Representative Thompson moved to extend speaking time on **CSHB 1038**.

A record vote was requested.

The motion to extend time prevailed by (Record 630): 113 Yeas, 14 Nays, 2 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Castro; Cohen; Coleman; Cook, B.; Cook, R.; Crabb; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Dukes; Dunnam; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Isett; Keffer; King, S.; King, T.; Kolkhorst; Kuempel; Laubenberg; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Naishat; Noriega; Oliveira; Orr; Ortiz; Parker; Peña; Pickett; Pitts; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smith, T.; Smith, W.; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo; West; Woolley.

Nays — Callegari; Chavez; Chisum; Christian; Corte; Hughes; Jackson; Macias; Miller; Murphy; Phillips; Riddle; Smithee; Zerwas.

Present, not voting — Mr. Speaker; King, P.(C).

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Aycock; Driver; Dutton; Harless; Jones; Krusee; Latham; Madden; Morrison; Mowery; O'Day; Olivo; Otto; Patrick; Paxton; Pierson; Van Arsdale; Zedler.

(Speaker in the chair)

Representative Ritter moved to table Amendment No. 27.

A record vote was requested.

The motion to table prevailed by (Record 631): 83 Yeas, 60 Nays, 1 Present, not voting.

Yeas — Anchia; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cohen; Cook, B.; Cook, R.; Corte; Crabb; Creighton; Crownover; Darby; Davis, J.; Delisi; Driver; Eissler; Elkins; Farabee; Flynn; Frost; Garcia; Gattis; Goolsby; Haggerty; Hancock; Hardcastle; Harless; Harper-Brown; Heflin; Hilderbran; Hopson; Hughes; Isett; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; McReynolds; Merritt; Miller; Morrison; Mowery; Murphy; O'Day; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pitts; Quintanilla; Riddle; Ritter; Rose; Smith, W.; Smithee; Strama; Straus; Swinford; Talton; Taylor; Van Arsdale; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anderson; Bailey; Bolton; Burnam; Castro; Chavez; Coleman; Davis, Y.; Deshotel; Dukes; Dunnam; Dutton; Eiland; England; Escobar; Farias; Flores; Gallego; Geren; Giddings; Gonzales; Gonzalez Toureilles; Guillen; Hamilton; Hartnett; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Howard, D.; Leibowitz; Mallory Caraway; Martinez; Martinez Fischer; McCall; Miles; Naishtat; Noriega; Oliveira; Olivo; Ortiz; Peña; Pickett; Pierson; Puente; Raymond; Rodriguez; Smith, T.; Solomons; Thompson; Truitt; Turner; Vaught; Veasey; Villarreal; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Howard, C.; Jackson; McClendon.

STATEMENTS OF VOTE

I was shown voting yes on Record No. 631. I intended to vote no.

Cohen

I was shown voting no on Record No. 631. I intended to vote yes.

England

Amendment No. 28

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 426.006, Property Code, is amended to read as follows:

Sec. 426.006. TIME FOR REQUESTING INSPECTION AND DISPUTE RESOLUTION. (a) For an alleged defect discovered during an applicable warranty period, the [The] state-sponsored inspection and dispute resolution process must be requested on or before the second anniversary of the date of discovery of the conditions claimed to be evidence of the construction defect but not later than the 90th [30th] day after the date the applicable warranty period expires.

(b) If the alleged defect would violate the statutory warranty of habitability and was not discoverable by a reasonable, prudent inspection or examination of the home or improvement within the applicable warranty period, the state-sponsored inspection and dispute resolution process must be requested:

(1) on or before the second anniversary of the date of discovery of the conditions claimed to be evidence of the construction defect; and

(2) not later than the 10th anniversary of the date of the initial transfer of title from the builder to the initial owner of the home or improvement that is the subject of the dispute or, if there is not a closing, the date on which the contract for construction of the improvement is entered into.

Amendment No. 28 was adopted.

Amendment No. 29

Representative Gattis offered the following amendment to **CSHB 1038**:

Amend **CSHB 1038** as follows:

(1) On page 6, between lines 8 and 9, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 416.001, Property Code, is amended to read as follows:

Sec. 416.001. REGISTRATION REQUIRED. (a) A person may not act as a builder unless the person holds a certificate of registration under this chapter.

(b) A person commits an offense if the person violates Subsection (a). An offense under this section is a Class A misdemeanor.

(2) On page 21, between lines 24 and 25, insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____. The changes in law made by this Act to Section 416.001, Property Code, apply only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For the purposes of this section, an offense was committed before the effective date of this Act if any element of the offense occurred before that date.

Amendment No. 29 was adopted.

A record vote was requested.

CSHB 1038, as amended, was passed to engrossment by (Record 632): 139 Yeas, 1 Nays, 1 Present, not voting.

Yeas — Allen; Alonzo; Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Chavez; Chisum; Christian; Cohen; Coleman; Cook, B.; Cook, R.; Corte; Crownover; Darby; Davis, J.; Davis, Y.; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farias; Flores; Flynn; Frost; Gallego; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Haggerty; Hamilton; Hancock; Hardcastle; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Herrero; Hilderbran; Hill; Hochberg; Hodge; Homer; Hopson; Howard, C.; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.; King, T.; Kolkhorst; Krusee; Kuempel; Latham; Laubenberg; Leibowitz; Lucio; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Merritt; Miles; Miller; Morrison; Mowery; Murphy; Naishtat; Noriega; O'Day; Oliveira; Olivo; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Riddle; Ritter; Rodriguez; Smith, T.; Smith, W.; Smithee; Solomons; Strama; Straus; Swinford; Taylor; Truitt; Turner; Van Arsdale; Vaught; Veasey; Villarreal; Vo; West; Woolley; Zedler; Zerwas.

Nays — Thompson.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Burnam; Crabb; Creighton; Pierson; Rose; Talton.

STATEMENTS OF VOTE

When Record No. 632 was taken, my vote failed to register. I would have voted yes.

Burnam

When Record No. 632 was taken, I was in the house but away from my desk. I would have voted yes.

Rose

HB 2120 ON SECOND READING (by Deshotel)

HB 2120, A bill to be entitled An Act relating to the wages credited to an individual for the purpose of computing the individual's unemployment compensation benefits.

Amendment No. 1

Representative Deshotel offered the following amendment to **HB 2120**:

Amend **HB 2120** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Section 201.011(1), Labor Code, is repealed.

SECTION _____. Subchapter B, Chapter 201, Labor Code, is amended by adding Section 201.013 to read as follows:

Sec. 201.013. DEFINITION OF BASE PERIOD; ALTERNATE BASE PERIODS. (a) For purposes of this subtitle and subject to this section, an individual's base period is the four consecutive completed calendar quarters, prescribed by the commission, in the five consecutive completed calendar quarters preceding the first day of an individual's benefit year.

(b) For an individual precluded because of a medically verifiable injury or illness from working during a major part of a calendar quarter of the period that would otherwise be the individual's base period under Subsection (a), the base period is the first four calendar quarters of the five consecutive calendar quarters preceding the calendar quarter in which the illness began or the injury occurred if the individual files an initial claim for benefits not later than 24 months after the date on which the individual's injury or illness began or occurred.

(c) For an individual who does not have sufficient benefit wage credits to qualify for benefits under the computation of the base period as provided by Subsection (a) or (b), the base period is the four most recently completed calendar quarters preceding the first day of the individual's benefit year.

SECTION _____. Section 208.002, Labor Code, is amended to read as follows:

Sec. 208.002. ~~[NOTICE OF]~~ INITIAL CLAIM; LAST WORK. (a) When used in connection with an initial claim, "last work" and "person for whom the claimant last worked" refer to:

(1) the last person for whom the claimant actually worked, if the claimant worked for that person in six or more consecutive weeks and was paid wages by that person equal to at least six times the claimant's weekly benefit amount; or

(2) the employer, as defined by Subchapter C, Chapter 201, or by the unemployment law of any other state, for whom the claimant last worked.

(b) The commission shall mail a notice of the filing of an initial claim to the person for whom the claimant last worked before the effective date of the initial claim. If the person for whom the claimant last worked has more than one branch or division operating at different locations, the commission shall mail the notice to the branch or division at which the claimant last worked.

(c) ~~(b)~~ Mailing of a notice under this section to the correct address of the person, branch, or division for which the claimant last worked constitutes notice of the claim to the person.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Deshotel offered the following amendment to **HB 2120**:

On page 2, after line 21, insert the following language amending Section 208.002, Labor Code by adding new SECTION 3 and renumber subsequent SECTIONS of the bill accordingly:

Sec. 208.002. ~~[NOTICE OF]~~ INITIAL CLAIM; LAST WORK. (a) When used in connection with an initial claim, "last work" and "person for whom the claimant last worked" refer to:

(1) the last person for whom the claimant actually worked, if the claimant worked for that person in six or more consecutive weeks and was paid wages by that person equal to at least six times the claimant's weekly benefit amount; or

(2) the employer, as defined by Subchapter C, Chapter 201, or by the unemployment law of any other state, for whom the claimant last worked.

Amendment No. 2 was withdrawn.

Amendment No. 3

Representative Dukes offered the following amendment to **HB 2120**:

Amend **HB 2120** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 204.022(a), Labor Code, as amended by Chapters 39, 493, and 728, Acts of the 79th Legislature, Regular Session, 2005, is reenacted and amended to read as follows:

(a) Benefits computed on benefit wage credits of an employee or former employee may not be charged to the account of an employer if the employee's last separation from the employer's employment before the employee's benefit year:

(1) was required by a federal statute;

(2) was required by a statute of this state or an ordinance of a municipality of this state;

(3) would have disqualified the employee under Section 207.044, 207.045, 207.051, or 207.053 if the employment had been the employee's last work;

(4) imposes a disqualification under Section 207.044, 207.045, 207.051, or 207.053;

(5) was caused by a medically verifiable illness of the employee or the employee's minor child;

(6) was based on a natural disaster that results in a disaster declaration by the president of the United States under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. Section 5121 et seq.), if the employee would have been entitled to unemployment assistance benefits under Section 410 of that act (42 U.S.C. Section 5177) had the employee not received state unemployment compensation benefits;

(7) was caused by a natural disaster, fire, flood, or explosion that causes employees to be separated from one employer's employment;

(8) was based on a disaster that results in a disaster declaration by the governor under Section 418.014, Government Code;

(9) resulted from the employee's resigning from partial employment to accept other employment that the employee reasonably believed would increase the employee's weekly wage;

(10) was caused by the employer being called to active military service in any branch of the United States armed forces on or after January 1, 2003;

(11) resulted from the employee leaving the employee's workplace to protect the employee from family violence or stalking as evidenced by:

(A) an active or recently issued protective order documenting family violence against, or the stalking of, the employee or the potential for family violence against, or the stalking of, the employee;

(B) a police record documenting family violence against, or the stalking of, the employee; or ~~and~~

(C) a physician's statement or other medical documentation that describes the ~~of~~ family violence against the employee that:

(i) is recorded in any form or medium that identifies the employee as the patient; and

(ii) relates to the history, diagnosis, treatment, or prognosis of the patient; ~~or~~

(12) resulted from a move from the area of the employee's employment that:

(A) was made with the employee's spouse who is a member of the armed forces of the United States; and

(B) resulted from the spouse's permanent change of station of longer than 120 days or a tour of duty of longer than one year; or

(13) ~~(12)~~ was caused by the employee being unable to perform the work as a result of a disability for which the employee is receiving disability insurance benefits under 42 U.S.C. Section 423.

SECTION _____. Section 204.022(c), Labor Code, is amended to read as follows:

(c) Except as provided by law, evidence regarding an employee described by Subsection (a)(11) ~~(a)(9)~~ may not be disclosed to any person without the consent of the employee.

SECTION _____. Section 207.046(a), Labor Code, is amended to read as follows:

(a) An individual is not disqualified for benefits under this subchapter if:

(1) the work-related reason for the individual's separation from employment was urgent, compelling, and necessary so as to make the separation involuntary; or

(2) the individual leaves the workplace to protect the individual from family violence or stalking as evidenced by:

(A) an active or recently issued protective order documenting family violence against, or the stalking of, the employee or the potential for family violence against, or the stalking of, the employee;

(B) a police record documenting family violence against, or the stalking of, the employee; or ~~and~~

(C) a physician's statement or other medical documentation that describes the [of] family violence against the employee that:

(i) is recorded in any form or medium that identifies the employee as the patient; and

(ii) relates to the history, diagnosis, treatment, or prognosis of the patient.

SECTION _____. To the extent of any conflict, this Act prevails over another Act of the 80th Legislature, Regular Session, 2007, relating to nonsubstantive additions to and corrections in enacted codes.

Amendment No. 3 was adopted. (C. Howard recorded voting no.)

(Homer in the chair)

Amendment No. 4

Representative Morrison offered the following amendment to **HB 2120**:

Amend **HB 2120** by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill appropriately:

SECTION _____. Sections 301.081(c) and (d), Labor Code, are amended to read as follows:

(c) Employment information ~~[thus]~~ obtained or otherwise secured under this section may not be published and is not open to public inspection, other than to a public employee in the performance of public duties, except as the commission considers necessary for the proper administration of this title or as provided by commission rule and consistent with federal law.

(d) A person commits an offense if the person ~~[is an employee or member of the commission who]~~ violates any provision of this section. An offense under this subsection is a Class A misdemeanor ~~[is punishable by a fine of not less than \$20 nor more than \$200, confinement in jail for not more than 90 days, or both fine and confinement].~~

SECTION _____. Subchapter F, Chapter 301, Labor Code, is amended by adding Section 301.085 to read as follows:

Sec. 301.085. UNEMPLOYMENT COMPENSATION INFORMATION; OFFENSE; PENALTY. (a) In this section, "unemployment compensation information" means information in the records of the commission that pertains to the administration of Subtitle A, including any information collected, received, developed, or maintained in the administration of unemployment compensation benefits or the unemployment compensation tax system.

(b) Consistent with federal law, the commission shall adopt and enforce reasonable rules governing the confidentiality, custody, use, preservation, and disclosure of unemployment compensation information. The rules must include safeguards to protect the confidentiality of identifying information regarding any individual or any past or present employer or employing unit contained in unemployment compensation information, including any information that

foreseeably could be combined with other publicly available information to reveal identifying information regarding the individual, employer, or employing unit, as applicable.

(c) Unemployment compensation information is not public information for purposes of Chapter 552, Government Code.

(d) Unless permitted by this subchapter or commission rule, a person commits an offense if the person solicits, discloses, receives, or uses, or authorizes, permits, participates in, or acquiesces in another person's use of, unemployment compensation information that reveals:

(1) identifying information regarding any individual or past or present employer or employing unit; or

(2) information that foreseeably could be combined with other publicly available information to reveal identifying information regarding any individual or past or present employer or employing unit.

(e) An offense under Subsection (d) is a Class A misdemeanor.

SECTION _____. The change in law made by this Act to Section 301.081(d), Labor Code, applies only to an offense committed on or after the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect at the time the offense was committed, and the former law is continued in effect for that purpose. For purposes of this section, an offense was committed before the effective date of this Act if any element of the offense was committed before that date.

Amendment No. 4 was adopted.

HB 2120, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 445 ON SECOND READING **(by Phillips)**

HB 445, A bill to be entitled An Act relating to a claim for reimbursement in a suit to dissolve a marriage.

Representative Phillips moved to postpone consideration of **HB 445** until 10 a.m. Friday, April 27.

The motion prevailed.

CSHB 1458 ON SECOND READING **(by Macias)**

CSHB 1458, A bill to be entitled An Act relating to the allocation of revenue from the state hotel tax for certain purposes in certain municipalities.

CSHB 1458 - POINT OF ORDER

Representative Veasey raised a point of order against further consideration of **CSHB 1458** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

CSHB 1458 - RECOMMITTED

Representative Macias moved to recommit **CSHB 1458** to the Committee on Local Government Ways and Means.

The motion prevailed.

CSHB 1871 ON SECOND READING **(by Giddings)**

CSHB 1871, A bill to be entitled An Act relating to information obtained regarding the sale of plastic bulk merchandise containers; providing civil penalties.

CSHB 1871 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 3564 ON SECOND READING **(by Darby, Homer, Swinford, Isett, Chavez, et al.)**

CSHB 3564, A bill to be entitled An Act relating to the transfer of Angelo State University to the Texas Tech University System.

(Speaker in the chair)

Amendment No. 1

Representative Driver offered the following amendment to **CSHB 3564**:

Amend **CSHB 3564** (house committee printing) between page 2, line 27, and page 3, line 1, by adding the following:

Sec. 109A.005. LIMITATION ON SYSTEM ADMINISTRATIVE COSTS RECOVERED FROM CERTAIN STUDENTS. In any academic year, the percentage of the tuition and mandatory fees paid by a student of Angelo State University who was enrolled at the university in the 2007-2008 academic year that is used to recover Texas Tech University System administrative costs may not exceed the percentage of the tuition and mandatory fees paid per full-time equivalent student enrolled at the university in the 2007-2008 academic year that was used to recover Texas State University System administrative costs.

Representative Morrison moved to table Amendment No. 1.

A record vote was requested.

The motion to table prevailed by (Record 633): 102 Yeas, 34 Nays, 3 Present, not voting.

Yeas — Alonzo; Aycock; Berman; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chavez; Chisum; Christian; Cohen; Cook, B.; Creighton; Crownover; Darby; Davis, J.; Davis, Y.; Deshotel; Dukes; Dutton; Eiland; Eissler; Escobar; Farabee; Flores; Frost; Garcia; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goolsby; Guillen; Hancock; Harless; Harper-Brown; Hartnett; Heflin; Hernandez; Hilderbran; Hill; Hodge; Homer; Hopson; Howard, D.; Hughes; Isett; Jackson; Jones; Keffer; King, P.; King, S.;

Kolkhorst; Kuempel; Latham; Laubenberg; Lucio; Macias; Madden; Mallory Caraway; Martinez; McCall; McClendon; McReynolds; Miles; Morrison; Murphy; Noriega; O'Day; Orr; Ortiz; Otto; Parker; Patrick; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Ritter; Rose; Smithee; Solomons; Strama; Straus; Swinford; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Villarreal; Vo; West; Zedler; Zerwas.

Nays — Allen; Anderson; Bailey; Bolton; Burnam; Castro; Coleman; Cook, R.; Corte; Crabb; Driver; Dunnam; Elkins; Farias; Flynn; Gallego; Haggerty; Hamilton; Herrero; Hochberg; Howard, C.; King, T.; Krusee; Leibowitz; Martinez Fischer; Merritt; Naishtat; Olivo; Raymond; Riddle; Rodriguez; Smith, W.; Vaught; Veasey.

Present, not voting — Mr. Speaker(C); Anchia; Miller.

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Delisi; England; Hardcastle; Mowery; Oliveira; Pierson; Smith, T.; Woolley.

STATEMENT OF VOTE

I was shown voting no on Record No. 633. I intended to vote yes.

Bolton

Amendment No. 2

Representative Morrison offered the following amendment to **CSHB 3564**:

Amend **CSHB 3564** (house committee printing) on page 12, line 10, by striking "January 1, 2008" and substituting "September 1, 2007."

Amendment No. 2 was adopted.

CSHB 3564 - STATEMENT OF LEGISLATIVE INTENT

REPRESENTATIVE BRANCH: Thank you, Mr. Speaker and Representative Darby. We've heard talk here today about the bonded indebtedness, and you've told me there's approximately \$79 million of bonded indebtedness that Angelo State has currently with the Texas State University System. Is that correct?

REPRESENTATIVE DARBY: Yes, it is.

BRANCH: And we've also heard that bond council has advised that the Texas Tech system can indemnify, and therefore there will be no unsettlement with our bond covenants that are in existence with the Texas State University System.

DARBY: That's correct.

BRANCH: That's correct. And so my concern, and I want to make sure we get legislative intent on this, so that we don't do anything Standard & Poors, or Moodys, or Finches, and to be concerned about the security of all our bonded indebtedness for our higher eds, that it is clearly the intent of this legislation that Texas Tech University System will, before this deal gets done, that they will step up and indemnify this indebtedness.

DARBY: That's exactly right. They will be in a written agreement between the board of regents of the Texas Tech system, and the board of regents of the Texas State system, which will, among other provisions, indemnify the Texas State system against all that bonded indebtedness.

BRANCH: Is it your understanding that they have agreed in principle to this, but we don't have a written resolution yet?

DARBY: That's correct, they've agreed in principle.

REMARKS ORDERED PRINTED

Representative Branch moved to print remarks between Representative Darby and Representative Branch.

The motion prevailed.

CSHB 3564, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 610 ON SECOND READING (by F. Brown, Zedler, Flynn, Crabb, et al.)

CSHB 610, A bill to be entitled An Act relating to a plan to provide services to an area annexed by a municipality.

CSHB 610 - POINT OF ORDER

Representative Thompson raised a point of order against further consideration of **CSHB 610** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative F. Brown moved to postpone consideration of **CSHB 610** until the end of today's calendar.

The motion prevailed.

CSHB 1921 ON SECOND READING (by Keffer)

CSHB 1921, A bill to be entitled An Act relating to the use of certain devices in a polling place.

CSHB 1921 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 2485 ON SECOND READING (by Farabee)

CSHB 2485, A bill to be entitled An Act relating to county accounting procedures regarding certain audits, debts, and records.

Representative Farabee moved to postpone consideration of **CSHB 2485** until 7 a.m. Thursday, April 26.

The motion prevailed.

HB 2738 ON SECOND READING
(by Solomons)

HB 2738, A bill to be entitled An Act relating to liens on real property.

(Callegari in the chair)

HB 2738 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 2978 ON SECOND READING
(by Morrison, Laubenberg, and Woolley)

HB 2978, A bill to be entitled An Act relating to engineering recruitment programs established by the Texas Higher Education Coordinating Board.

Amendment No. 1

Representative Alonzo offered the following amendment to **HB 2978**:

Amend **HB 2978** as follows:

(1) On page 1, line 17, between the period and "The" insert "In adopting rules under this subsection, the board must consider the demographics of the state and adopt rules that encourage the program to enroll students in the program that reflect the demographics of the state."

(2) On page 2, strike lines 4 through 6 and substitute the following:

(2) have received a score:

(A) on the Scholastic Assessment Test (SAT) of at least 1,875 out of 2,400 or an equivalent score on the American College Test (ACT); or

(B) on the subject test in mathematics of the Scholastic Assessment Test (SAT) of at least 640 out of 800 or an equivalent score on the subject test in mathematics of the American College Test (ACT); and

Amendment No. 1 was adopted.

HB 2978, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 3060 ON SECOND READING
(by Peña)

HB 3060, A bill to be entitled An Act relating to issuance by a court of a *capias* or a *capias pro fine*.

Amendment No. 1

Representative Peña offered the following amendment to **HB 3060**:

Amend **HB 3060** (committee printing) as follows:

(1) On page 1, line 10, strike "If" and substitute "In a prosecution pending before a court, if [H]".

(2) On page 1, line 12, strike "If a" and substitute "In a prosecution pending before a magistrate, if the".

(3) On page 4, line 2, strike "or on a day or at a term stated in the writ".

(4) On page 4, line 8, between "by" and "adding", insert "amending Subsection (d) and".

(5) On page 4, between lines 8 and 9, insert the following:

(d) A court may not order a defendant confined under Subsection (a) of this article unless the court at a hearing makes a written determination that:

(1) ~~[determines that] the defendant is not indigent and has failed to make a good faith effort to discharge the fines and costs [or determines that the defendant willfully refused to pay or failed to make sufficient bona fide efforts legally to acquire the resources to pay and enters that determination in writing in the court docket]; or [and]~~

(2) the defendant is indigent and:

(A) has failed to make a good faith effort to discharge the fines and costs under Article 43.09(f); and

(B) could have discharged the fines and costs under Article 43.09 without experiencing any undue hardship [determines that no alternative method of discharging fines and costs provided by Article 43.09 of this code is appropriate for the defendant].

(6) On page 5, lines 3 and 4, strike "the defendant appears [he can be brought] before the court" and substitute "the business day following the date of the defendant's arrest if the defendant cannot [he can] be brought before the court immediately".

(7) On page 6, line 19, between "court" and "or", insert "immediately".

(8) On page 6, lines 19 and 20, strike "the defendant can be brought before the court" and substitute "the business day following the date of the defendant's arrest if the defendant cannot [can] be brought before the court immediately".

(9) On page 7, line 15, strike "determines" and substitute "at a hearing makes a written determination [determines]".

(10) On page 7, strike lines 19-23 and substitute the following:

(2) the defendant is ~~[not]~~ indigent and:

(A) has failed to make a good faith effort to discharge the fines and costs under Article 45.049; and

(B) could have discharged the fines and costs under Article 45.049 without experiencing any undue hardship.

(11) On page 9, line 1, strike "43.02, 43.09(m), and 43.12" and substitute "43.09(m) and 43.12".

Amendment No. 1 was adopted.

Representative Peña moved to postpone consideration of **HB 3060** until 10 a.m. tomorrow.

The motion prevailed.

HB 3517 ON SECOND READING
(by Creighton)

HB 3517, A bill to be entitled An Act relating to competitive purchasing requirements for local governments.

Amendment No. 1

Representative Orr offered the following amendment to **HB 3517**:

Amend **HB 3517** by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 775.084(a), Health and Safety Code, is amended to read as follows:

(a) Except as provided by Subsection (i), the board must submit to competitive bids an expenditure of more than \$50,000 [~~\$25,000~~] for:

- (1) one item or service; or
- (2) more than one of the same or a similar type of item or service in a fiscal year.

Amendment No. 1 was adopted.

HB 3517, as amended, was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

HB 1767 ON SECOND READING
(by Peña)

HB 1767, A bill to be entitled An Act relating to the punishment for criminal mischief committed by interfering with certain transportation signs, signals, or devices.

HB 1767 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. No members registered their position on this measure.)

CSHB 3782 ON SECOND READING
(by Krusee)

CSHB 3782, A bill to be entitled An Act relating to the relocation of utility facilities required by improvement of a state highway.

Representative Krusee moved to postpone consideration of **CSHB 3782** until 10 a.m. Tuesday, May 1.

The motion prevailed.

RESOLUTIONS CALENDAR

The chair laid before the house the following resolution on committee report:

HCR 97
(by Rose and Raymond)

HCR 97, Urging the U.S. Department of Labor to reconsider the proposed reduction in student training slots at the Gary Job Corps Center in San Marcos, Texas.

Amendment No. 1

Representative Rose offered the following amendment to **HCR 97**:

Amend **HCR 97** on page 2, lines 2 and 3, by striking "by April 2007".

Amendment No. 1 was adopted.

HCR 97, as amended, was adopted.

POSTPONED BUSINESS

The following bills were laid before the house as postponed business:

CSHB 1439 ON SECOND READING
(by Chisum)

CSHB 1439, A bill to be entitled An Act relating to authorizing the Texas Department of Public Safety to establish a driver record monitoring pilot program and enter into contracts for the periodic reporting of certain information in the department's driver's license files; providing penalties.

CSHB 1439 was read second time earlier today and was postponed until this time.

CSHB 1439 - POINT OF ORDER

Representative Dunnam raised a point of order against further consideration of **CSHB 1439** under Rule 4, Section 18(c) of the House Rules on the grounds that the committee minutes are incorrect.

The speaker overruled the point of order.

Representative Chisum moved to postpone consideration of **CSHB 1439** until the end of today's calendar.

The motion prevailed.

HB 1048 - RECOMMITTED

Representative Peña moved to recommit **HB 1048** to the Committee on Criminal Jurisprudence.

The motion prevailed.

HB 1613 - RECOMMITTED

Representative Paxton moved to recommit **HB 1613** to the Committee on Government Reform.

The motion prevailed.

HB 3826 - RECOMMITTED

Representative Morrison moved to recommit **HB 3826** to the Committee on Higher Education.

The motion prevailed.

HB 461 ON SECOND READING

(by Miller, Kolkhorst, Hughes, Anderson, R. Cook, et al.)

HB 461, A bill to be entitled An Act relating to prohibiting mandatory participation in an animal identification system.

HB 461 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Gallego offered the following amendment to **HB 461**:

Amend **HB 461** as follows:

(1) On page 1, lines 5-6, strike "Sections 161.056(a), (c), and (d), Agriculture Code, are amended" and substitute "Section 161.056, Agriculture Code, is amended by amending Subsections (a), (c), (d), and (e) and adding Subsections (a-1), (j), and (k)".

(2) On page 1, between lines 12 and 13, insert the following:

(a-1) A person may apply for the program by submitting an annual fee determined by the commission and a signed application prescribed by the commission. An application form prescribed by the commission must include the following information:

(1) a conspicuous notice that the program is voluntary;

(2) a disclosure of the types of information collected under the program; and

(3) notice of the persons to which information the commission collects under the program may be disclosed.

(3) On page 1, lines 15-16, strike "animal disease control, animal emergency management, and other".

(4) On page 1, lines 17-18, strike "establish a date by which all participating premises must be registered and may".

(5) On page 1, between lines 20 and 21, insert the following:

(e) Information collected by the commission under this section is exempt from the public disclosure requirements of Chapter 552, Government Code. The commission may provide information to another person, including a governmental entity, without altering the confidential status of the information. The commission may release information to the following persons if the commission determines that the person has adequate protections for the confidentiality of the information:

(1) a person who owns or controls animals and seeks information regarding those animals, if the person requests the information in writing;

(2) the attorney general's office, for the purpose of law enforcement;

(3) the secretary of the United States Department of Agriculture, for the purpose of animal health protection;

(4) the secretary of the Department of Homeland Security, for the purpose of homeland security;

(5) the Department of State Health Services, for the purpose of protecting the public health from zoonotic diseases;

(6) any person, under an order of a court of competent jurisdiction; or

(7) a state, municipal, or county emergency management authority, for the purpose of management or response to natural or man-made disasters[~~;~~ or

~~(8) any person the executive director of the commission considers appropriate, if the executive director determines that:~~

~~[(A) livestock may be threatened by a disease, agent, or pest; and~~

~~[(B) the release of the information is related to actions the commission may take under this section].~~

(j) A person who participates in the program may withdraw from the program at any time. The commission shall delete from the program all personal information relating to a participant when the participant withdraws from the program.

(k) A person may not condition a service, benefit, license, payment, or permit on participation in a program under this section.

(6) Insert the following appropriately numbered SECTION and renumber subsequent SECTIONS accordingly:

SECTION _____. The Texas Animal Health Commission shall:

(1) not later than November 1, 2007, provide notice of the changes to Section 161.056, Agriculture Code, made by this Act to each person registered on the effective date of this Act under that section and provide the person with the opportunity to withdraw from the program; and

(2) not later than January 1, 2008, adopt rules as required by Section 161.056, Agriculture Code, as amended by this Act.

Amendment No. 1 was adopted.

HB 461 - REMARKS

REPRESENTATIVE HARDCASTLE: Thank you, Mr. Speaker and members. I do not intend to yield this mic until I have finished making my remarks, and then I will be happy to yield for questions, but not before.

Last session I carried the legislation that enabled the Texas Animal Health Commission to develop an Animal ID program. The bill I carried passed this body by a vote of 142 ayes and 1 present, not voting. It passed the senate unanimously. I believe that the legislation we passed is sound public policy and I am adamantly against making any changes to that statute. The law as currently written reads as follows, "The Texas Animal Health Commission may develop and implement an animal identification program that is consistent with the USDA's National Animal Identification System." All the current statute does is give the Animal Health Commission the authority to comply with federal government.

Mr. Miller wants us to rewrite the statute to say that they may implement a voluntary program only. Well members, currently the USDA's program is voluntary, so that means the Animal Health Commission can only carry out a voluntary program in Texas. I think it is very important that we leave the statute as written so that the Animal Health Commission can comply with what the feds decide. Our current law is merely permissive and does not require the commission to do anything.

We wrote the statute last session so that we would be able to respond to whatever the whim of the federal government may be. We wrote it so that we would be able to have a say in how it's handled rather than letting the feds tell us what to do. I made certain that confidentiality was protected and that any database created in conjunction with an Animal ID program would only be available to governmental entities in emergency situations. I wrote the current statute with the help of the Texas Farm Bureau, the Texas and Southwestern Cattle Raisers, the Texas Sheep and Goat Raisers Association, the Texas Pork Producers Association, the Texas Poultry Federation, and the Texas Cattle Feeders Association. None of these major agriculture groups are in favor of Mr. Miller's bill.

Some of you are old enough to remember the Brucellosis outbreak back in the '80s when Texas was quarantined by the federal government because we had laws which prevented the Animal Health Commission from being able to respond to that outbreak and develop a program to manage that disease. The governor had to call a special session to change the law to give the Animal Health Commission the authority to develop a program to manage Brucellosis. The time that lagged between the quarantine and when the program was fully up and running and Texas was safe again had a very damaging effect on the cattle producers in this state. By mandating, through Mr. Miller's bill, that Texas can only have a voluntary Animal ID program, we would be allowing history to repeat itself and opening up the potential for devastating harm to our livestock industry here in the state, which has a direct impact on all of our food and clothing industries.

Texas is number one in the nation in cattle production, we're number one in sheep production, we're number one in goat production, and we're in the top five in all other species of livestock, which makes Texas the number one livestock producing state in the nation. We are diligent when it comes to putting safe food on the plates and protecting our livestock herds from disease. We are and should continue to be the leaders in this country when it comes to livestock and agriculture. Members, this is about sound public policy, public safety, and safe food on the plate.

REMARKS ORDERED PRINTED

Representative Morrison moved to print remarks by Representative Hardcastle.

The motion prevailed.

(Speaker in the chair)

A record vote was requested.

HB 461, as amended, was passed to engrossment by (Record 634): 88 Yeas, 51 Nays, 3 Present, not voting.

Yeas — Anchia; Anderson; Aycock; Bailey; Berman; Bohac; Bolton; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Castro; Christian; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Delisi; Dukes; Dunnam; Eiland; Eissler; England; Escobar; Farabee; Flynn; Frost; Gallego; Garcia; Gattis; Goolsby; Guillen; Haggerty; Harless; Harper-Brown; Hartnett; Heflin; Herrero; Hilderbran; Homer; Hopson; Howard, D.; Hughes; Isett; Jackson; Keffer; King, P.; King, T.; Kolkhorst; Laubenberg; Macias; Madden; Mallory Caraway; Martinez; Martinez Fischer; McCall; McReynolds; Miller; Murphy; Noriega; O'Day; Oliveira; Olivo; Orr; Otto; Parker; Patrick; Paxton; Phillips; Pickett; Quintanilla; Raymond; Riddle; Ritter; Rose; Solomons; Strama; Talton; Taylor; Thompson; Truitt; Turner; Van Arsdale; Villarreal; Zedler; Zerwas.

Nays — Allen; Alonzo; Burnam; Chavez; Chisum; Cohen; Coleman; Cook, B.; Corte; Creighton; Darby; Deshotel; Driver; Elkins; Farias; Flores; Geren; Gonzalez Tourelles; Hancock; Hardcastle; Hernandez; Hill; Hodge; Howard, C.; Jones; King, S.; Krusee; Kuempel; Latham; Leibowitz; Lucio; McClendon; Merritt; Miles; Morrison; Mowery; Naishtat; Peña; Pierson; Pitts; Puente; Rodriguez; Smith, T.; Smith, W.; Smithee; Straus; Swinford; Vaught; Veasey; West; Woolley.

Present, not voting — Mr. Speaker(C); Dutton; Hochberg.

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Giddings; Gonzales; Hamilton; Ortiz; Vo.

STATEMENTS OF VOTE

I was shown voting no on Record No. 634. I intended to vote yes.

B. Cook

I was shown voting no on Record No. 634. I intended to vote yes.

C. Howard

I was shown voting no on Record No. 634. I intended to vote yes.

Rodriguez

CSHB 1170 ON SECOND READING (by Flynn and Farabee)

CSHB 1170, A bill to be entitled An Act relating to the regulation and limitation of liability of persons engaged in certain liquefied petroleum gas-related activities, including requirements concerning consumer safety notification.

CSHB 1170 was read second time earlier today and was postponed until this time.

CSHB 1170 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Herrero and Leibowitz recorded voting no.)

CSHB 3446 ON SECOND READING
(by Rose, Keffer, Deshotel, McCall, Gonzales, et al.)

CSHB 3446, A bill to be entitled An Act relating to the promotion by the comptroller of Texas manufactured products; providing civil and administrative penalties.

CSHB 3446 was read second time earlier today and was postponed until this time.

CSHB 3446 - POINT OF ORDER

Representative Dunnam raised a point of order against further consideration of **CSHB 3446** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The point of order was withdrawn.

Representative Rose moved to postpone consideration of **CSHB 3446** until the end of today's calendar.

The motion prevailed.

CSHB 1517 ON SECOND READING
(by Paxton, Bailey, Flynn, Eiland, et al.)

CSHB 1517, A bill to be entitled An Act relating to the reporting of expenditures for lobbying and legislative communication by local governmental entities.

CSHB 1517 was read second time earlier today and was postponed until this time.

CSHB 1517 - POINT OF ORDER

Representative Y. Davis raised a point of order against further consideration of **CSHB 1517** under Rule 4, Section 32 of the House Rules on the grounds that the bill analysis is incorrect.

The speaker sustained the point of order.

CSHB 1517 was returned to the Committee on State Affairs.

HB 1274 ON SECOND READING
(by Jackson, Harper-Brown, et al.)

HB 1274, A bill to be entitled An Act relating to the requirement of speaking and reading the English language as a condition for the issuance of a commercial driver's license.

HB 1274 was read second time earlier today and was postponed until this time.

HB 1274 - POINT OF ORDER

Representative Lucio raised a point of order against further consideration of **HB 1274** under Rule 4, Section 32(c)(2) of the House Rules on the grounds that the bill analysis is incorrect.

The speaker sustained the point of order.

HB 1274 was returned to the Committee on Transportation.

CSHB 610 ON SECOND READING
(by F. Brown, Zedler, Flynn, Crabb, et al.)

CSHB 610, A bill to be entitled An Act relating to a plan to provide services to an area annexed by a municipality.

CSHB 610 was read second time earlier today and was postponed until this time.

CSHB 610 was passed to engrossment. (In accordance with House Rule 5, Section 51(b), every member present must have favored passage of the measure, but any member may register their position with the journal clerk. Members registering votes are as follows: Martinez recorded voting no.)

CSHB 1735 ON SECOND READING
(by Truitt, Anchia, and Gonzales)

CSHB 1735, A bill to be entitled An Act relating to ethics training for legislators.

CSHB 1735 was read second time earlier today and was postponed until this time.

Representative Truitt moved to postpone consideration of **CSHB 1735** until 10 a.m. Tuesday, May 29.

The motion prevailed.

CSHB 3446 ON SECOND READING
(by Rose, Keffer, Deshotel, McCall, Gonzales, et al.)

CSHB 3446, A bill to be entitled An Act relating to the promotion by the comptroller of Texas manufactured products; providing civil and administrative penalties.

CSHB 3446 was read second time earlier today and was postponed until this time.

Representative Rose moved to postpone consideration of **CSHB 3446** until 10 a.m. tomorrow.

The motion prevailed.

CSHB 1439 ON SECOND READING
(by Chisum)

CSHB 1439, A bill to be entitled An Act relating to authorizing the Texas Department of Public Safety to establish a driver record monitoring pilot program and enter into contracts for the periodic reporting of certain information in the department's driver's license files; providing penalties.

CSHB 1439 was read second time earlier today and was postponed until this time.

Amendment No. 1

Representative Castro offered the following amendment to **CSHB 1439**:

Amend **CSHB 1439** (Committee printing) as follows:

(1) On page 2, line 25, strike "and".

(2) On page 3, strike line 6 and substitute the following:

contract; and

(D) as soon as practicable but not later than the 15th day after the date the contract with the department is entered into, to notify each individual covered by the contract that the driver record of the individual will be monitored by the department under the contract.

Amendment No. 1 was adopted.

Amendment No. 2

Representative Castro offered the following amendment to **CSHB 1439**:

Amend **CSHB 1439** (Committee printing) as follows:

(1) On page 2, line 25, strike "and".

(2) On page 3, strike line 6 and substitute the following:

contract; and

(D) if an individual ceases to be, as applicable, an employee of the employer, an insured of the insurer, an employee of an employer served by the employer support organization, or an insured of an insurer served by the insurance support organization, as soon as practicable but not later than the 15th day after the termination date of the applicable relationship, to notify the department that the relationship has terminated and require the department to discontinue monitoring the driver record of the individual.

Amendment No. 2 was adopted.

A record vote was requested.

CSHB 1439, as amended, failed to pass to engrossment by (Record 635): 62 Yeas, 73 Nays, 1 Present, not voting.

Yeas — Anderson; Aycock; Berman; Bonnen; Branch; Brown, B.; Brown, F.; Callegari; Chisum; Christian; Cook, B.; Corte; Crabb; Creighton; Crownover; Darby; Delisi; Deshotel; Driver; Eissler; England; Flynn; Geren; Hamilton; Hancock; Harless; Hartnett; Hilderbran; Hill; Howard, C.; Isett; Keffer; King, P.; King, S.; Kolkhorst; Krusee; Latham; Laubenberg; Macias; Madden; McCall; Miller; Morrison; Murphy; O'Day; Parker; Patrick; Paxton; Phillips; Pickett; Pitts; Riddle; Smith, T.; Smith, W.; Solomons; Swinford; Talton; Taylor; West; Woolley; Zedler; Zerwas.

Nays — Allen; Alonzo; Anchia; Bailey; Bohac; Bolton; Burnam; Castro; Chavez; Cohen; Coleman; Cook, R.; Davis, Y.; Dukes; Dunnam; Dutton; Eiland; Elkins; Escobar; Farabee; Farias; Flores; Frost; Gallego; Garcia; Gattis; Giddings; Gonzales; Gonzalez Tourelles; Goolsby; Haggerty; Harper-Brown; Heflin; Hernandez; Herrero; Hochberg; Hodge; Homer; Hopson; Howard, D.; Hughes; Jones; King, T.; Kuempel; Leibowitz; Lucio; Mallory Caraway; Martinez; Martinez Fischer; McClendon; McReynolds; Merritt; Miles; Naishtat; Olivo; Ortiz; Otto; Peña; Puente; Quintanilla; Raymond; Ritter; Rodriguez; Rose; Smithee; Strama; Thompson; Truitt; Turner; Van Arsdale; Vaught; Veasey; Vo.

Present, not voting — Mr. Speaker(C).

Absent, Excused — Farrar; Menendez; Moreno.

Absent — Davis, J.; Guillen; Hardcastle; Jackson; Mowery; Noriega; Oliveira; Orr; Pierson; Straus; Villarreal.

STATEMENTS OF VOTE

When Record No. 635 was taken, my vote failed to register. I would have voted no.

Guillen

I was shown voting yes on Record No. 635. I intended to vote no.

S. King

I was shown voting yes on Record No. 635. I intended to vote no.

Paxton

I was shown voting yes on Record No. 635. I intended to vote no.

Solomons

I was shown voting yes on Record No. 635. I intended to vote no.

Talton

COMMITTEES GRANTED PERMISSION TO MEET

Pursuant to House Rule 4, Section 9, Representative Driver requested permission for all committees and subcommittees to meet while the house is in session, during bill referral today, pursuant to their committee postings.

Permission to meet was granted.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Regulated Industries meeting posted for today is cancelled.

FIVE DAY POSTING RULE SUSPENDED

Representative Smithee moved to suspend the five day posting rule to allow the Committee on Civil Practices to consider **HB 3550** upon final adjournment tomorrow in E1.010.

The motion prevailed.

Representative Smithee moved to suspend the five day posting rule to allow the Committee on Natural Resources to consider **HB 1699** and **HB 4086** at 2:30 p.m. or upon final adjournment tomorrow in E2.012.

The motion prevailed.

COMMITTEE MEETING ANNOUNCEMENTS

The following committee meetings were announced:

Pensions and Investments, during bill referral today, Ag Museum, for a formal meeting, to consider pending business.

Environmental Regulation, 9:45 a.m. tomorrow, 3W.9, for a formal meeting, to consider pending business.

Local Government Ways and Means, upon adjournment today, 3W.9, for a formal meeting, to consider **HB 1458**, **HB 3170**, and **HB 4077**.

Calendars, during bill referral today, 3W.9, for a formal meeting, to consider a calendar.

Insurance, upon adjournment today, Desk 24, for a formal meeting.

RESOLUTIONS ADOPTED

Representative Allen moved to suspend all necessary rules in order to take up and consider at this time **HR 1635 - HR 1651**.

The motion prevailed.

The following resolutions were laid before the house:

HR 1635 (by Y. Davis), Honoring Dianne Gibson for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1636 (by Y. Davis), Honoring Zelma L. Ridley for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1637 (by Y. Davis), Congratulating the Reverend Bryan L. Carter on his receipt of a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1638 (by Y. Davis), Honoring Alfred Huntsberry, Jr., for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1639 (by Y. Davis), Honoring Constable Derick Evans for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1640 (by Y. Davis), Congratulating Dr. Stephen C. Nash on his receipt of a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1641 (by Y. Davis), Honoring the Reverend Wendell Blair, Sr., for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1642 (by Y. Davis), Honoring Dr. Kendell Beck for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1643 (by Y. Davis), Congratulating Dr. Rickie G. Rush on his receipt of a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1644 (by Y. Davis), Honoring Curtistene Smith McCowan for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1645 (by Y. Davis), Honoring Mance Zachary for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1646 (by Y. Davis), Congratulating Malik Aziz on his receipt of a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1647 (by Y. Davis), Honoring James H. Talley for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1648 (by Y. Davis), Congratulating Michael Moore on his receipt of a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1649 (by Y. Davis), Honoring Denise D. Harris for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1650 (by Y. Davis), Congratulating Tayler Haggerty on her receipt of a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

HR 1651 (by Y. Davis), Honoring Dr. Mary Elizabeth Dotson Beck for receiving a 2007 Outstanding Texan Award from the Texas Legislative Black Caucus.

The resolutions were adopted.

**HR 1664 - ADOPTED
(by Allen)**

Representative Allen moved to suspend all necessary rules to take up and consider at this time **HR 1664**.

The motion prevailed.

The following resolution was laid before the house:

HR 1664, In memory of Doris Johnson Allen of Houston.

HR 1664 was unanimously adopted by a rising vote.

COMMITTEE MEETING ANNOUNCEMENT

The following committee meeting was announced:

Business and Industry will meet upon adjournment today.

PROVIDING FOR ADJOURNMENT

Representative Allen moved that, at the conclusion of the reading of bills and resolutions on first reading and referral to committees, the house adjourn until 10 a.m. tomorrow in memory of Dorothy Pujoue of Houston.

The motion prevailed.

**BILLS AND JOINT RESOLUTIONS ON FIRST READING
AND REFERRAL TO COMMITTEES
RESOLUTIONS REFERRED TO COMMITTEES**

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Eiland in the chair)

ADJOURNMENT

In accordance with a previous motion, the house, at 9:04 p.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HCR 192 (By McClendon), Recognizing the National Coalition of Blacks for Reparations in America for its efforts to achieve redress for the injury caused by slavery and its continuing vestiges.

To State Affairs.

HCR 196 (By Taylor), Honoring the Distinguished Graduates of La Marque High School of 2007.

To Rules and Resolutions.

HCR 197 (By Eiland), Urging Congress to oppose the establishment of a federal insurance regulatory system.

To Insurance.

HCR 199 (By Hodge), In memory of Charlotte Ragsdale of Dallas.

To Rules and Resolutions.

HCR 200 (By Escobar), Memorializing Congress to reopen consideration of posthumously awarding WWI hero Marcelino Serna the Medal of Honor.

To Defense Affairs and State-Federal Relations.

HCR 201 (By Kolkhorst), Designating San Felipe as the Colonial Capital of Texas.

To Culture, Recreation, and Tourism.

HCR 203 (By Harper-Brown), Extending deepest sympathy to the families of the victims of the tragedy at Virginia Tech, and to the students, faculty, and staff of the university.

To Rules and Resolutions.

HCR 204 (By Darby), Commemorating the 75th anniversary of the founding of Shannon Medical Center in San Angelo.

To Rules and Resolutions.

HCR 205 (By Thompson), Acknowledging the involuntary servitude of African slaves in the State of Texas and requesting the creation of a joint interim committee to study the contributions of African slaves and their descendents.

To State Affairs.

HR 1471 (By Alonzo), Commemorating the Dallas Mega March for American Values and Justice that took place on April 9, 2006, in support of immigration reform.

To Rules and Resolutions.

HR 1472 (By Alonzo), Directing the Texas Department of Transportation to provide supplemental guide signs on IH-35 and IH-635 to identify the location of the Asian Trade District in northwest Dallas.

To Transportation.

HR 1482 (By Bolton), Honoring Alison Brock, chief of staff for Representative Sylvester Turner, for her vital role in exposing allegations of abuse at a Texas Youth Commission facility.

To Corrections.

HR 1514 (By Orr), Congratulating Jennifer Fix of Burleson on earning the Good Government Pharmacist-of-the-Year Award from the American Pharmacists Association.

To Rules and Resolutions.

HR 1515 (By Madden), Congratulating Randy and Diana Wright of Plano on their 20th wedding anniversary.
To Rules and Resolutions.

HR 1516 (By Strama), Honoring Larry D. Bradley of Pflugerville ISD on his election as president of the National Association of Secondary School Principals.
To Rules and Resolutions.

HR 1517 (By Branch), Recognizing June 2007 as Scottish Heritage Month.
To Rules and Resolutions.

HR 1518 (By W. Smith), In memory of the Honorable Sam D. Seale of Jackson County.
To Rules and Resolutions.

HR 1519 (By W. Smith), In memory of Rhoda Magdalene Burke of Deer Park.
To Rules and Resolutions.

HR 1520 (By W. Smith), Honoring Dr. Don Hendrix on his retirement as superintendent of Crosby ISD.
To Rules and Resolutions.

HR 1521 (By W. Smith), Congratulating Sergeant Phillip Badillo of the Baytown Police Department on his retirement.
To Rules and Resolutions.

HR 1522 (By W. Smith), Honoring Mike Wilson on being named Baytown's Citizen of the Year.
To Rules and Resolutions.

HR 1523 (By Latham), Honoring Mesquite ISD teacher Fran Terry on the dedication of a school library in her name.
To Rules and Resolutions.

HR 1526 (By Flynn), Congratulating Tim Gothard on being named the North Texas Fireman's and Fire Marshal's Association Firefighter of the Year.
To Rules and Resolutions.

HR 1527 (By McReynolds), Recognizing April 25, 2007, as Youth Service Above Self Day at the State Capitol.
To Rules and Resolutions.

HR 1530 (By Anchia), Honoring Jerry Moore of Dallas for saving an elderly neighbor's life.
To Rules and Resolutions.

HR 1531 (By Anchia), In memory of Maya Andrea Hubner of Austin.
To Rules and Resolutions.

HR 1533 (By Phillips), In memory of Fannin County Sheriff's Office Deputy Rahamy Mitchell of Bonham.
To Rules and Resolutions.

HR 1534 (By Bohac), Commemorating the 60th anniversary of the founding of Second Baptist School in Houston.
To Rules and Resolutions.

HR 1536 (By R. Cook), In memory of Nancy Lee Sanders of Bastrop.
To Rules and Resolutions.

HR 1537 (By R. Cook), Honoring the Reverend Quintus Samuel Goins on his 50th pastoral anniversary at Mt. Carmel Baptist Church.
To Rules and Resolutions.

HR 1538 (By R. Cook), Honoring the United Evangelical Lutheran Church in Swiss Alp on the 140th anniversary of its founding.
To Rules and Resolutions.

HR 1539 (By Zedler), Congratulating Lynn Jennings of Workman Junior High School in Arlington on being named the Kiwanis Woodrow Counts Junior High Teacher of the Year for 2006-2007.
To Rules and Resolutions.

HR 1540 (By Zedler), Recognizing Fort Worth Spinks Airport on winning the Most Improved Airport of the Year Award.
To Rules and Resolutions.

HR 1541 (By Zedler), Honoring Mary Irma Flores Escovedo on being named the Arlington Teacher of the Year.
To Rules and Resolutions.

HR 1543 (By Martinez Fischer), In memory of Brigadier General Gilberto S. Pena of Weslaco.
To Rules and Resolutions.

HR 1544 (By B. Cook), Recognizing April 12, 2007, as Corsicana/Navarro County Day at the State Capitol.
To Rules and Resolutions.

HR 1546 (By Aycock), Congratulating the City of Killeen on being named the Association of Defense Communities 2006 Active Base Community of the Year.
To Rules and Resolutions.

HR 1547 (By Allen), Honoring Clarence Bradford for serving as Democratic precinct chair of Precinct 652 in Harris County.
To Rules and Resolutions.

HR 1548 (By Allen), Commending the Empowering Teen Leaders program and welcoming its members to the State Capitol.
To Rules and Resolutions.

HR 1549 (By Allen), Honoring Patricia A. Govan for serving as Democratic precinct chair of Precinct 722 in Harris County.
To Rules and Resolutions.

HR 1550 (By Allen), Honoring John L. Guess for serving as Democratic precinct chair of Precinct 693 in Harris County.
To Rules and Resolutions.

HR 1551 (By Allen), Honoring King Malaki Sims for serving as Democratic precinct chair of Precinct 638 in Harris County.
To Rules and Resolutions.

HR 1552 (By Allen), Honoring Coretta Mallet Fontenot for serving as Democratic precinct chair of Precinct 630 in Harris County.
To Rules and Resolutions.

HR 1553 (By Allen), Honoring David H. Melasky for serving as Democratic precinct chair of Precinct 554 in Harris County.
To Rules and Resolutions.

HR 1554 (By Allen), Honoring Vincent Sanders for serving as Democratic precinct chair of Precinct 525 in Harris County.
To Rules and Resolutions.

HR 1555 (By Allen), Honoring Kevin Pever for serving as Democratic precinct chair of Precinct 506 in Harris County.
To Rules and Resolutions.

HR 1556 (By Allen), Honoring Francene Shapiro for serving as Democratic precinct chair of Precinct 489 in Harris County.
To Rules and Resolutions.

HR 1557 (By Allen), Honoring Curtis W. McDonald for serving as Democratic precinct chair of Precinct 458 in Harris County.
To Rules and Resolutions.

HR 1558 (By Allen), Honoring Priscilla T. Bloomquist for serving as Democratic precinct chair of Precinct 453 in Harris County.
To Rules and Resolutions.

HR 1559 (By Allen), Honoring Raka B. Ghosh for serving as Democratic precinct chair of Precinct 293 in Harris County.
To Rules and Resolutions.

HR 1560 (By Allen), Honoring Harry "Skip" Connor for serving as Democratic precinct chair of Precinct 292 in Harris County.
To Rules and Resolutions.

HR 1561 (By Allen), Honoring Curtis Thompson for serving as Democratic precinct chair of Precinct 286 in Harris County.
To Rules and Resolutions.

HR 1562 (By Allen), Honoring Deidre Rasheed for serving as Democratic precinct chair of Precinct 216 in Harris County.
To Rules and Resolutions.

HR 1563 (By Allen), Honoring Anna M. Giese for serving as Democratic precinct chair of Precinct 131 in Harris County.
To Rules and Resolutions.

HR 1564 (By Allen), Honoring Grace Rodriguez Pendland for serving as Democratic precinct chair of Precinct 22 in Harris County.
To Rules and Resolutions.

HR 1565 (By Allen), Honoring Ann Edwards for serving as Democratic precinct chair of Precinct 384 in Harris County.
To Rules and Resolutions.

HR 1566 (By Allen), Honoring Nedzra J. Ward for serving as Democratic precinct chair of Precinct 402 in Harris County.
To Rules and Resolutions.

HR 1567 (By Allen), Honoring Betty Jean Keller for serving as Democratic precinct chair of Precinct 372 in Harris County.
To Rules and Resolutions.

HR 1568 (By Allen), Honoring John Martin for serving as Democratic precinct chair of Precinct 336 in Harris County.
To Rules and Resolutions.

HR 1569 (By Allen), Honoring Annie Mitchell for serving as Democratic precinct chair of Precinct 319 in Harris County.
To Rules and Resolutions.

HR 1570 (By Allen), Honoring Mary M. Clemons for serving as Democratic precinct chair of Precinct 318 in Harris County.
To Rules and Resolutions.

HR 1572 (By Escobar), In memory of U.S. Army Specialist Darrell Wayne Shipp.
To Rules and Resolutions.

HR 1573 (By Escobar), In memory of longtime Raymondville resident U.S. Army Staff Sergeant Hector Leija.
To Rules and Resolutions.

HR 1574 (By Jones), Honoring Kathryn Jay Hamilton of Lubbock County for 50 years of service as an educator.
To Rules and Resolutions.

HR 1575 (By Jones), Honoring Carla Kay Moore of Lubbock on her retirement from James Bowie Elementary.
To Rules and Resolutions.

HR 1576 (By Chavez), Encouraging the president of the United States and Congress to enact a free trade agreement between the United States and Taiwan.
To Border and International Affairs.

HR 1577 (By Chavez), Congratulating Mark C. Walker of El Paso on being listed in The Best Lawyers in America.
To Rules and Resolutions.

HR 1579 (By Guillen), Honoring Judge Alicia Pena Perez of Freer on her retirement as a municipal court judge.
To Rules and Resolutions.

HR 1580 (By Dutton), Honoring Coach Cynthia Cooper-Dyke and the Prairie View A&M University women's basketball team.
To Rules and Resolutions.

HR 1581 (By T. Smith), Honoring Heather Meyer for her service on the student council for Treetops Intermediate School in Euless.
To Rules and Resolutions.

HR 1582 (By T. Smith), Honoring Emerald Arista for her service on the student council for Treetops Intermediate School in Euless.
To Rules and Resolutions.

HR 1583 (By T. Smith), Honoring Jonathan Kleehammer for his service on the student council for Treetops Intermediate School in Euless.
To Rules and Resolutions.

HR 1584 (By T. Smith), Congratulating Patricia and Fredrick M. King of Hurst on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1585 (By T. Smith), Congratulating Donald and Jeanette Gill of Hurst on their 50th wedding anniversary.

To Rules and Resolutions.

HR 1586 (By T. Smith), Honoring Angelina McGough for her service on the student council for Treetops Intermediate School in Euless.

To Rules and Resolutions.

HR 1587 (By T. Smith), Honoring Riley Ornelas for her service on the student council for Treetops Intermediate School in Euless.

To Rules and Resolutions.

HR 1588 (By T. Smith), Honoring Marcel Carroll for his service on the student council for Treetops Intermediate School in Euless.

To Rules and Resolutions.

HR 1589 (By T. Smith), Honoring Ryan Meyer for serving as a mentor to the student council members of Treetops Intermediate School in Euless.

To Rules and Resolutions.

HR 1590 (By T. Smith), Honoring Cristie Kibler for serving as a mentor to the student council members of Treetops Intermediate School in Euless.

To Rules and Resolutions.

HR 1591 (By T. Smith), Honoring Niccola Quiambao for her service on the student council for Treetops Intermediate School in Euless.

To Rules and Resolutions.

HR 1592 (By T. Smith), Honoring Hunter Smith for his service on the student council for Treetops Intermediate School in Euless.

To Rules and Resolutions.

HR 1593 (By T. Smith), Honoring Mikey Feliberti for his service on the student council for Treetops Intermediate School in Euless.

To Rules and Resolutions.

HR 1594 (By T. Smith), Honoring Tiffiani Neuville for her service on the student council for Treetops Intermediate School in Euless.

To Rules and Resolutions.

HR 1595 (By T. Smith), Honoring Houston Elliott for his service on the student council for Treetops Intermediate School in Euless.

To Rules and Resolutions.

HR 1596 (By Eissler), In memory of U.S. Army Private First Class Cory C. Kusters of The Woodlands.

To Rules and Resolutions.

HR 1598 (By Crownover), Congratulating University of North Texas vice president for finance and business affairs Phil Diebel on his upcoming retirement.

To Rules and Resolutions.

HR 1599 (By Martinez), Congratulating Karen Djoahna Palapar of Trevino Elementary School in San Juan on being named a finalist in the 2007 H-E-B Excellence in Education Awards.

To Rules and Resolutions.

HR 1600 (By Mallory Caraway), In memory of Nathaniel Williams of Dallas.

To Rules and Resolutions.

HR 1604 (By Hill), Honoring the 2007 Richardson ISD Capitol Scholars.

To Rules and Resolutions.

SB 4 to Public Education.

SB 11 to Defense Affairs and State-Federal Relations.

SB 43 to Juvenile Justice and Family Issues.

SB 46 to Transportation.

SB 51 to Higher Education.

SB 109 to Public Education.

SB 111 to State Affairs.

SB 157 to Criminal Jurisprudence.

SB 161 to Higher Education.

SB 183 to Criminal Jurisprudence.

SB 242 to Ways and Means.

SB 322 to Human Services.

SB 323 to Natural Resources.

SB 363 to Defense Affairs and State-Federal Relations.

SB 401 to Natural Resources.

SB 409 to Public Health.

SB 436 to Transportation.

SB 445 to Government Reform.

SB 450 to Human Services.

SB 561 to Insurance.

SB 607 to Financial Institutions.

SB 629 to Law Enforcement.

SB 645 to Business and Industry.

SB 649 to Higher Education.

SB 658 to Government Reform.

SB 660 to Judiciary.

SB 671 to County Affairs.

SB 705 to Judiciary.

SB 706 to Judiciary.

SB 709 to Business and Industry.
SB 781 to Border and International Affairs.
SB 796 to Local Government Ways and Means.
SB 811 to Public Health.
SB 847 to Natural Resources.
SB 864 to Culture, Recreation, and Tourism.
SB 874 to Defense Affairs and State-Federal Relations.
SB 883 to State Affairs.
SB 885 to Judiciary.
SB 889 to State Affairs.
SB 943 to Public Health.
SB 952 to Licensing and Administrative Procedures.
SB 956 to Juvenile Justice and Family Issues.
SB 960 to Public Education.
SB 963 to Higher Education.
SB 968 to County Affairs.
SB 975 to Natural Resources.
SB 976 to Pensions and Investments.
SB 1036 to Defense Affairs and State-Federal Relations.
SB 1039 to Pensions and Investments.
SB 1046 to Higher Education.
SB 1049 to Public Education.
SB 1050 to Higher Education.
SB 1053 to Higher Education.
SB 1064 to Higher Education.
SB 1068 to Redistricting.
SB 1085 to Transportation.
SB 1089 to Transportation.
SB 1104 to Urban Affairs.
SB 1132 to Transportation.
SB 1133 to State Affairs.
SB 1161 to Public Education.
SB 1165 to County Affairs.
SB 1172 to Appropriations.
SB 1203 to Criminal Jurisprudence.
SB 1222 to Licensing and Administrative Procedures.
SB 1231 to Higher Education.

SB 1232 to Higher Education.
SB 1233 to Higher Education.
SB 1236 to Border and International Affairs.
SB 1257 to Licensing and Administrative Procedures.
SB 1271 to Natural Resources.
SB 1297 to Judiciary.
SB 1306 to State Affairs.
SB 1309 to Civil Practices.
SB 1310 to Government Reform.
SB 1315 to Law Enforcement.
SB 1325 to Higher Education.
SB 1340 to Licensing and Administrative Procedures.
SB 1354 to Law Enforcement.
SB 1372 to Transportation.
SB 1389 to Business and Industry.
SB 1390 to Defense Affairs and State-Federal Relations.
SB 1402 to Insurance.
SB 1412 to Judiciary.
SB 1413 to Judiciary.
SB 1416 to Judiciary.
SB 1418 to Higher Education.
SB 1424 to Economic Development.
SB 1425 to Economic Development.
SB 1426 to Licensing and Administrative Procedures.
SB 1433 to Public Education.
SB 1454 to Defense Affairs and State-Federal Relations.
SB 1470 to Criminal Jurisprudence.
SB 1490 to Public Education.
SB 1496 to Higher Education.
SB 1499 to State Affairs.
SB 1501 to Local Government Ways and Means.
SB 1502 to Local Government Ways and Means.
SB 1504 to Public Education.
SB 1519 to Judiciary.
SB 1526 to Natural Resources.
SB 1533 to Corrections.
SB 1535 to Natural Resources.

SB 1540 to Business and Industry.
SB 1541 to Business and Industry.
SB 1542 to Insurance.
SB 1548 to Transportation.
SB 1555 to Judiciary.
SB 1604 to Environmental Regulation.
SB 1618 to County Affairs.
SB 1624 to Judiciary.
SB 1644 to Public Education.
SB 1655 to Judiciary.
SB 1679 to Public Education.
SB 1688 to Transportation.
SB 1694 to Public Health.
SB 1697 to Public Education.
SB 1713 to Public Education.
SB 1722 to Law Enforcement.
SB 1724 to Defense Affairs and State-Federal Relations.
SB 1735 to Licensing and Administrative Procedures.
SB 1752 to Local Government Ways and Means.
SB 1765 to Urban Affairs.
SB 1780 to Corrections.
SB 1794 to Transportation.
SB 1805 to Culture, Recreation, and Tourism.
SB 1809 to Ways and Means.
SB 1828 to Transportation.
SB 1871 to Public Education.
SB 1877 to Pensions and Investments.
SB 1909 to Corrections.
SB 1912 to Public Education.
SB 1956 to Defense Affairs and State-Federal Relations.
SB 1970 to Law Enforcement.
SCR 17 to Defense Affairs and State-Federal Relations.
SCR 46 to Defense Affairs and State-Federal Relations.
SCR 54 to Rules and Resolutions.
SCR 55 to Rules and Resolutions.
SCR 57 to Defense Affairs and State-Federal Relations.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 25

HB 5, HCR 26, HCR 167

Senate List No. 26

SB 229, SB 343, SB 369, SB 679

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 24, 2007

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 50 Zaffirini
Relating to early childhood education.

SB 714 Fraser
Relating to reports regarding certain water wells required by a groundwater conservation district.

SB 758 Nelson
Relating to child protective services.

Respectfully,
Patsy Spaw
Secretary of the Senate

Message No. 2

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 24, 2007 - 2

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HB 8

Riddle

SPONSOR: Deuell

Relating to the prosecution, punishment, and supervision of certain sex offenders and to certain crimes involving sex offenders.

(Committee Substitute/Amended)

THE SENATE HAS CONCURRED IN HOUSE AMENDMENTS TO THE FOLLOWING MEASURES:

SB 456

(31 Yeas, 0 Nays)

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 3

MESSAGE FROM THE SENATE

SENATE CHAMBER

Austin, Texas

Tuesday, April 24, 2007 - 3

The Honorable Speaker of the House

House Chamber

Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 691

Uresti

Relating to the performance of community service as a condition for a deferral of adjudication in certain misdemeanor cases punishable by fine only.

SB 1063

Williams

Relating to the authority of the governing body of a taxing unit to waive penalties and interest on a delinquent ad valorem tax.

SB 1405

Wentworth

Relating to the requirement that the chief appraiser of an appraisal district provide an estimate of taxable value and related assistance to certain taxing units.

SB 1761

Uresti

Relating to the pilot program to provide health services to state employees in state office complexes.

SCR 61

Duncan

SPONSOR: Heflin

Commending South Plains College for its 50 years of progress.

Respectfully,

Patsy Spaw

Secretary of the Senate

Message No. 4

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Tuesday, April 24, 2007 - 4

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

SB 263 Ellis
Relating to the creation of a commission to investigate and prevent wrongful convictions.

SB 1052 Zaffirini
Relating to tuition credits for students who complete the core curriculum at two-year public institutions of higher education.

SB 1096 Janek
Relating to mandatory participation in certain TANF employment programs by certain persons.

SB 1411 West, Royce
Relating to requirements for judicial training on issues regarding family violence, sexual assault, and child abuse and neglect.

SB 1464 Janek
Relating to the cancellation of the voter registrations of persons who are not United States citizens.

SB 1626 Watson
Relating to participation in the proportionate retirement program by certain public employees.

Respectfully,
Patsy Spaw
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

April 23

Agriculture and Livestock - **HB 3168, HB 3300**

Business and Industry - **HB 9, HB 888, HB 1702, HB 1737, HB 2002, HB 2218, HB 2277, HB 2402, HB 2403, HB 3173, SB 324**

County Affairs - **HB 880**

Criminal Jurisprudence - **HB 485, HB 649, HB 1035, HB 1123, HB 1264, HB 1340, HB 1611, HB 1658, HB 1687, HB 1800, HB 2304, HB 2307, HB 2703, HB 3558, HB 3584, HB 3692, HJR 6**

Culture, Recreation, and Tourism - **HB 1309, HB 2845**

Defense Affairs and State-Federal Relations - **SB 277**

Elections - **HB 343, HB 1648, HB 2493, HB 2589, HB 2912, HB 3723, HB 3725**

Energy Resources - **HB 3929**

Environmental Regulation - **HB 3780, SB 1665**

Financial Institutions - **HB 2137, HB 3552**

Government Reform - **HB 1613, HB 3454**

Human Services - **HB 288, HB 333, HB 405, HB 918, HB 1366, HB 2064**

Insurance - **HB 223, HB 1269, HB 1847, HB 1849, HB 1977, HB 1978, HB 2013, HB 2718, HB 3252, HB 3358, HB 3470, HB 3850**

Judiciary - **HB 1903, HB 2151, HB 3197, HB 3930, SB 593**

Law Enforcement - **HB 1503, HB 1906, HB 2077, HB 2210, HB 2300, HB 2813, HB 2952, HB 3307, HB 3635, SB 949**

Licensing and Administrative Procedures - **HB 3124, HB 3601**

Natural Resources - **HB 1292, HB 2654, HB 3017, HB 3353**

Pensions and Investments - **HB 2190, HB 2752**

Public Education - **HB 278, HB 426, HB 494, HB 828, HB 846, HB 851, HB 1137, HB 1324, HB 2504, HB 2529, HB 2532, HB 3202, HB 3259, SB 7, SB 136, SB 370, SB 389**

Public Health - **HB 1082, HB 2132, HB 2145, HB 2285, HB 2313, HB 3078, HB 3876, SB 91, SB 362**

State Affairs - **HB 2621, HB 2733**

Transportation - **HB 160, HB 1615, HB 1857, HB 2651**

ENGROSSED

April 23 - HB 589, HB 1022, HB 1373, HB 1623, HB 1667, HB 1668, HB 1962, HB 2400, HB 2427, HB 2458

ENROLLED

April 23 - HB 5, HB 1447, HCR 26, HCR 167

SIGNED BY THE GOVERNOR

April 23 - HB 674, HB 675

HOUSE
RESEARCH
ORGANIZATION bill analysis

4/23/2007

HB 218
B. Brown, et al.

SUBJECT: Requiring voters to present proof of identification

COMMITTEE: Elections — favorable, without amendment

VOTE: 4 ayes — Berman, Bohac, England, C. Howard

0 nays

3 absent — Anchia, Burnam, Farias

WITNESSES: For — Tina Benkiser, Republican Party of Texas; Skipper Wallace, Texas Republican County Chairman's Association; Bill Borden; Ed Johnson; (*Registered, but did not testify*: John Colyandro, Texas Conservative Coalition; Russ Duerstine, Tom Green County GOP; Carolyn Galloway, Texas Eagle Forum, Citizens for Immigration Reform; Mary Ann Collins)

Against — Lydia Camarillo, Southwest Voter Registration Education Project; John Courage and Teri Sperry, True Courage Action Network; Luis Figueroa, MALDEF; Sonia Santana, ACLU-Texas; Bryson McCall Smith, Coalition of Texans with Disabilities; Laurie Vanhooose, Advocacy, Inc.; Kenneth Flippin; (*Registered, but did not testify*: Joy Arthur, People for the American Way; Ken Bailey, Texas Democratic Party; Mario M. Champion, Latinos for Texas; Debra Cody and Connie Hooks, city of College Station; Kathryn Dean, ACLU; Mary Finch, League of Women Voters of Texas; Will Harrell, NAACP of Texas; Paula Littles, Texas AFL-CIO; Toni Milam, City of Buda; Tim Morstad, AARP; Rosa Pacheco, Gray Panthers; Jodi Park, Coalition of Texans with Disabilities; Marcelo Tafoya, LULAC; Suzy Woodford, Common Cause of Texas; Susan Barrick; Perry Dorren; Ysidro Gutierrez; Johnnie Jones)

On — Adrienne McFarland, Texas Attorney General's Office; Ann McGeehan, Secretary of State; (*Registered, but did not testify*: Marty Forte, Dallas County Republican Party; Steve Raborn, Tarrant County Elections)

BACKGROUND: Election Code, sec. 63.001 requires a voter to present a voter registration certificate to an election officer when offering to vote at a polling place. Sec. 63.008 establishes that a voter who does not present a voter registration certificate when offering to vote, but whose name is on the list

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of registered voters for the precinct, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter registration certificate at the polling place, and the voter presents proof of identification in a form described in sec. 63.0101, including:

- a driver's license or personal identification card issued to the person by the Department of Public Safety (DPS) or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired;
- a form of identification containing the person's photograph that establishes the person's identity;
- a birth certificate or other documentation confirming birth that is admissible in a court of law and establishes the person's identity;
- U.S. citizenship papers or a U.S. passport issued to the person;
- official mail addressed to the person by name from a governmental entity;
- a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or
- any other form of identification prescribed by the secretary of state.

In 2002, Congress enacted the Help America Vote Act of 2002 (HAVA) (42 U.S.C. Sec. 15301 et seq.), a comprehensive law governing state electoral administration. Among other things, HAVA requires first-time registrants who register by mail and have not voted in a federal election — or in cases where a state does not have a computerized, statewide voter registration system — to present, with the registration materials or at the polls, any of the following forms of identification:

- a copy of a current and valid photo identification (the original if voting in person); or
- a copy of a current utility bill, bank statement, or government check, paycheck or other government document that shows the name and address of the voter.

No voter can be turned away at the polls for failure to produce identification, and voters without proper identification in every state have some sort of recourse to cast a vote.

The 78th Legislature in 2003 enacted HB 1549 by Denny to implement changes necessary to Texas law for HAVA compliance.

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DIGEST:

HB 218 would require a voter at the polls to present to an election officer the voter's registration certificate and a form of identification. Any one of the following forms of photo identification would satisfy the requirement:

- a driver's license or personal ID card issued by DPS that was current or had expired no more than two years earlier;
- a U.S. military ID card or a valid employee ID card;
- a U.S. citizenship certificate or a U.S. passport;
- a student ID card issued by a public or private higher education institution in Texas; or
- a concealed handgun license issued by DPS.

Alternately, the voter could satisfy the identification requirement by presenting any two of the following:

- a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter;
- official mail addressed to the person by name from a governmental entity;
- a certified copy of a birth certificate or other legal document confirming the birth and establishing the person's identity;
- U.S. citizenship papers;
- an original or certified copy of the person's marriage license or divorce decree;
- court records of the person's adoption, name change, or sex change;
- an ID card issued to the person by a state or federal governmental entity for the purpose of obtaining public benefits;
- a temporary driving permit issued by DPS;
- a pilot's license issued an authorized federal agency;
- a borrower's card from a Texas library containing the person's name; or
- a hunting or fishing license issued by the Parks and Wildlife Department.

If the voter's identity could be verified from the proof presented and the voter's name was on the precinct list of registered voters, the voter could proceed to vote.

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A voter whose identity was verified by presenting the proof described above also could proceed to vote if the voter:

- did not present a voter registration certificate but the voter's name appeared on the precinct list;
- presented a correct voter registration certificate but the voter's name did not appear on the precinct list; or
- presented a voter registration certificate showing registration in a different precinct, if the voter swore that he or she was a new resident of the precinct and would vote only once.

A voter with or without a voter registration certificate who did not present proof sufficient to meet the identification requirements described above would be allowed to vote a provisional ballot.

HB 218 also would amend Transportation Code, sec. 521.422, to prohibit DPS from collecting a fee for a personal identification certificate issued to an eligible or registered voter who:

- executed an affidavit stating that he or she could not afford to pay the fee, who is a registered Texas voter; and
- presented a valid voter registration certificate or a voter registration application to DPS.

The bill would take effect September 1, 2007.

**SUPPORTERS
SAY:**

HB 218 would protect and strengthen the electoral system by requiring voters to present identification at the polls. The bill would establish a uniform, standard for voting at the polls, reduce voter fraud, bring voting in line with other transactions that require proper identification, and raise the bar in restoring election integrity.

Stricter identification requirements would not impose an unreasonable burden on voters. Instead, it would protect the rights of citizens and serve as a reasonable precaution to prevent ineligible people from voting. Proper identification is necessary to ensure that voters are who they say they are, that voters cast only one ballot each, and that ineligible voters — including illegal aliens, felons, and persons using the names of deceased voters — are denied the ability to vote. Cheating at the polls makes a mockery of the electoral process and dilutes the vote of every honest citizen.

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Currently, all that is needed to vote is a registration certificate, but individuals are not required to show identification in order to register to vote. According to Harris County elections officials, at least 35 foreign nationals either applied or received voter registration cards that would have allowed them to vote. In one case, one of them voted four times in a general election.

While instances of fraud or multiple voting in U.S. elections are comparatively rare, even a small amount of fraud could tip a close or disputed election, and the perception of possible fraud contributes to low confidence in the system. For this reason, the Commission on Federal Election Reform, led by former President Jimmy Carter and former Secretary of State James A Baker III, recently concluded that a properly administered identification system could deter, detect, or eliminate several potential avenues of fraud, such as multiple voting or voter impersonation. The commission, which was formed to recommend ways to raise public confidence in the electoral system, also expressed concern that differing requirements from state to state could be a source of discrimination and said that a single, uniform ID for voting purposes — along the lines of REAL ID — would be less discriminatory, by ensuring fair and equal treatment to all voters. HB 218 would put many of the sensible principles advocated by this bipartisan election reform commission to work in Texas.

HB 218 would give voters a variety of ways to fulfill the identification requirements and would not force anyone to bear great costs in obtaining the necessary identification. Those who could not afford one would be eligible for a free identification card. While many citizens undoubtedly would choose to present a Texas driver's license out of convenience, the bill would allow a voter to present copies of common documents that citizens carry or receive in their everyday lives for purposes other than voting, such as paychecks, utility bills, mail from the government, and library cards. State and local election authorities can educate voters about the forms of identification that they would have to bring to the polls, and even if there were some initial confusion, voters quickly would learn what they should bring to the polls in order to vote.

Further, the bill would make it easier for a person of modest means to obtain a driver's license or state photo ID card to use as proof of identity for voting and a host of other purposes. Many activities in everyday life require the presentation of photo ID, including air travel and cashing checks. Society has adapted to these requirements and benefited from the

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safeguards they provide. By requiring DPS to waive the fee to issue identification for a person who could not afford to pay the cost, HB 218 would enable many citizens to more fully participate in society by facilitating their ability to cash checks at banks and supermarkets, enter federal buildings, and board airplanes.

This is not an issue only for Texas. Photo identification laws are considered one of the most basic and necessary election safeguards by a host of countries, including Canada, France, Germany, Italy, Poland, Britain, India, and South Africa. But less than half of the states in the United States have photo identification requirements.

OPPONENTS
SAY:

The voter ID requirements in HB 218 would create substantial obstacles that would inhibit voter participation and likely would disproportionately affect certain groups, including the elderly, minorities, and low-income voters. By placing an extra burden on voters and creating confusion among election officials and the public alike, the bill effectively would lead to the needless disenfranchisement of many voters. Claims that voter fraud makes it necessary to demand identification at the polls are not supported by evidence. In fact, the actual impact of stricter ID requirements would not be reduction of voter fraud, but the suppression of legitimate votes. Citizens seeking to exercise their right to vote would be hassled and frustrated for no good reason.

While almost all voter fraud involves absentee and mail-in ballots, the bill would do nothing to make mail-in balloting more secure. Instead, it would attempt to address the nonexistent problem of voter impersonation at the polls. Evidence of such fraud is anecdotal at best, and the penalty for voter impersonation is a third-degree felony, a strong deterrent to anyone who might consider casting a dishonest vote. There is no question that election misconduct exists, including wrongful purges of eligible voters, vote harvesting, tampering with registration forms, and improperly handling mail-in ballots. In addition, Justice Department investigations have revealed voting irregularities related to voter confusion over eligibility, such as felons not being aware they may not vote in some states or people mistakenly filling out multiple registrations. But there is no evidence that voter impersonation at the polls is anything but a rare anomaly.

Rather than seeking to enact voter identification laws that needlessly inhibit voters, policymakers should examine empirical data to weigh the costs and benefits. Data suggest that the number of legitimate voters who

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might fail to bring required ID to the polls would be several times higher than the number of fraudulent voters. A recent study issued by Rutgers and Ohio State universities prepared for the federal Election Assistance Commission indicates that minorities could be negatively affected by identification requirements and that voter identification requirements should be limited to the minimum needed to prevent duplicate registration and ensure eligibility.

Similar legislation that passed in several other states, including Missouri, Indiana, Ohio, Georgia, and Arizona, has either been invalidated by the courts or is being challenged. In addition, while citizens are required to show proof of identification in situations ranging from boarding an airplane to renting movies, none of those activities is a constitutional right.

Texas already has taken some steps to lessen the threat of fraud, including the implementation of HAVA requirements. Current registration requirements are sufficient because registrants must swear they are U.S. citizens under penalty of perjury. In addition, falsely claiming citizenship and voting fraud are federal offenses. Texas should attempt to curb voter fraud by vigorously prosecuting any election fraud cases rather than enacting a law aimed at solving a nonexistent problem.

OTHER
OPPONENTS
SAY:

The bill should require a grace period of at least one election to allow for the education of voters and election workers. The provisions in HB 218 would be a major departure from current law, and voters and elections officials would need time to learn about the new requirements.

In addition, military discharge papers should be accepted as non-photo proof of identification in HB 218.

NOTES:

The author intends to offer a floor amendment to delay the photo identification requirement until September 2008.

The fiscal note anticipates a cost of \$177,060 per fiscal year in general revenue-related funds to allow DPS to issue personal identification cards at no cost to certain applicants.

During the 2005 regular session, the Legislature considered similar legislation requiring voters to show identification at the polls. HB 1706 by Denny passed the House, but died in the Senate State Affairs Committee. The House amended a related bill, SB 89 by Averitt, to include provisions

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similar to HB 1706, but SB 89 died in conference committee.

HB 218 originally was set on the April 17 Major State Calendar and was recommitted to committee on April 16. The original vote in the Elections Committee to report HB 218 was 4 ayes, 3 nays (Anchia, Burnam, Farias).

By: Brown of Kaufman, Berman, Bohac, Riddle,
et al.

H.B. No. 218

A BILL TO BE ENTITLED

AN ACT

relating to requiring a voter to present proof of identification.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 13.122(a), Election Code, is amended to
read as follows:

(a) In addition to the other statements and spaces for
entering information that appear on an officially prescribed
registration application form, each official form must include:

(1) the statement: "I understand that giving false
information to procure a voter registration is perjury and a crime
under state and federal law.";

(2) a space for the applicant's registration number;

(3) a space for the applicant's Texas driver's license
number or number of a personal identification card issued by the
Department of Public Safety;

(4) a space for the applicant's telephone number;

(5) a space for the applicant's social security
number;

(6) a space for the applicant's sex;

(7) a statement indicating that the furnishing of the
applicant's telephone number and sex is optional;

(8) a space or box for indicating whether the
applicant or voter is submitting new registration information or a
change in current registration information;

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1 (9) a statement instructing a voter who is using the
2 form to make a change in current registration information to enter
3 the voter's name and the changed information in the appropriate
4 spaces on the form;

5 (10) a statement that if the applicant declines to
6 register to vote, that fact will remain confidential and will be
7 used only for voter registration purposes;

8 (11) a statement that if the applicant does register
9 to vote, information regarding the agency or office to which the
10 application is submitted will remain confidential and will be used
11 only for voter registration purposes;

12 (12) a space or box for indicating whether the
13 applicant is interested in working as an election judge;

14 (13) a statement warning that a conviction for making
15 a false statement may result in imprisonment for up to the maximum
16 amount of time provided by law, a fine of up to the maximum amount
17 provided by law, or both the imprisonment and the fine; ~~and~~

18 (14) a space or box for indicating whether the
19 applicant served in the active military, naval, or air service, was
20 discharged or released from the service under conditions other than
21 dishonorable, and incurred or aggravated a disability in the line
22 of duty in that service;

23 (15) a space or box for indicating whether the
24 applicant is a widow or widower of a person who served in the active
25 military, naval, or air service; and

26 (16) [~~14~~] any other voter registration information
27 required by federal law or considered appropriate and required by

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1 the secretary of state.

2 SECTION 2. Section 15.001(a), Election Code, is amended to
3 read as follows:

4 (a) Each voter registration certificate issued must
5 contain:

6 (1) the voter's name in the form indicated by the
7 voter, subject to applicable requirements prescribed by Section
8 13.002 and by rule of the secretary of state;

9 (2) the voter's residence address or, if the residence
10 has no address, the address at which the voter receives mail and a
11 concise description of the location of the voter's residence;

12 (3) the month, day, and year of the voter's birth;

13 (4) the number of the county election precinct in
14 which the voter resides;

15 (5) the voter's effective date of registration if an
16 initial certificate;

17 (6) the voter's registration number;

18 (7) an indication of the period for which the
19 certificate is issued;

20 (8) a statement explaining the circumstances under
21 which the voter will receive a new certificate;

22 (9) a space for stamping the voter's political party
23 affiliation;

24 (10) a statement that voting with the certificate by a
25 person other than the person in whose name the certificate is issued
26 is a felony;

27 (11) a space for the voter's signature;

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1 (12) a statement that the voter must sign the
2 certificate personally, if able to sign, immediately on receipt;

3 (13) a space for the voter to correct the information
4 on the certificate followed by a signature line;

5 (14) the statement: "If any information on this
6 certificate changes or is incorrect, correct the information in the
7 space provided, sign below, and return this certificate to the
8 voter registrar."; ~~and~~

9 (15) the registrar's mailing address and telephone
10 number;

11 (16) an indication that the voter is a
12 "service-disabled veteran," if the voter stated on the voter's
13 registration application that the voter served in the active
14 military, naval, or air service, was discharged or released from
15 the service under conditions other than dishonorable, and incurred
16 or aggravated a disability in the line of duty in that service; and

17 (17) an indication that the voter is a "military widow
18 or widower," if the voter stated on the voter's registration
19 application that the voter is a widow or widower of a person who
20 served in the active military, naval, or air service.

21 SECTION 3. Section 32.111, Election Code, is amended by
22 adding Subsection (c) to read as follows:

23 (c) The training standards adopted under Subsection (a)
24 must include provisions on the acceptance and handling of the
25 identification presented by a voter to an election officer under
26 Section 63.001.

27 SECTION 4. Section 32.114(a), Election Code, is amended to

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1 read as follows:

2 (a) The county clerk shall provide one or more sessions of
3 training using the standardized training program and materials
4 developed and provided by the secretary of state under Section
5 32.111 for the election judges and clerks appointed to serve in
6 elections ordered by the governor or a county authority. Each
7 election judge shall complete the training program. Each election
8 clerk shall complete the part of the training program relating to
9 the acceptance and handling of the identification presented by a
10 voter to an election officer under Section 63.001.

11 SECTION 5. As soon as practicable after the effective date
12 of this Act:

13 (1) the secretary of state shall adopt the training
14 standards and develop the training materials required to implement
15 the change in law made by this Act to Section 32.111, Election Code;
16 and

17 (2) the county clerk of each county shall provide a
18 session of training under Section 32.114, Election Code, using the
19 standards adopted and materials developed to implement the change
20 in law made by this Act to Section 32.111, Election Code.

21 SECTION 6. Chapter 62, Election Code, is amended by adding
22 Section 62.016 to read as follows:

23 Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE
24 POLLING PLACES. The presiding judge shall post in a prominent place
25 on the outside of each polling location a list of the acceptable
26 forms of photographic and nonphotographic identification. The
27 notice and list must be printed using a font that is at least

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1 24-point.

2 SECTION 7. Section 63.001, Election Code, is amended by
3 amending Subsections (b), (c), (d), and (f) and adding Subsections
4 (g), (h), (i), (j), and (k) to read as follows:

5 (b) On offering to vote, a voter must present to an election
6 officer at the polling place the voter's voter registration
7 certificate and, except as provided by Subsection (j) or (k)
8 either:

9 (1) one form of identification listed in Section
10 63.0101(a); or

11 (2) two different forms of identification listed in
12 Section 63.0101(b) [to an election officer at the polling place].

13 (c) On presentation of the documentation required by
14 Subsection (b) [a registration certificate], an election officer
15 shall determine whether the voter's name on the registration
16 certificate is on the list of registered voters for the precinct.

17 (d) If the voter's name is on the precinct list of
18 registered voters and the voter's identity can be verified from the
19 proof presented, the voter shall be accepted for voting.

20 (f) After determining whether to accept a voter, an election
21 officer shall return the voter's documentation [~~registration~~
22 ~~certificate~~] to the voter.

23 (g) If the requirements for identification prescribed by
24 Subsection (b) are not met, the voter may be accepted for
25 provisional voting only under Section 63.011. An election officer
26 shall inform a voter who is not accepted for voting under this
27 section of the voter's right to cast a provisional ballot under

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1 Section 63.011.

2 (h) The requirements for identification prescribed by
3 Subsection (b)(1) or (2) do not apply to a voter who:

4 (1) presents the voter's voter registration
5 certificate on offering to vote; and

6 (2) is 80 years of age or older as indicated by the
7 date of birth on the voter's voter registration certificate.

8 (i) Notwithstanding Subsection (b), (c), (d), or (g), a
9 voter shall be accepted for voting after presenting a voter
10 registration certificate or one form of identification listed in
11 Section 63.0101 if:

12 (1) the voter's name on the registration certificate
13 or form of identification is on the list of registered voters for
14 the precinct;

15 (2) the precinct is located in a county that the
16 governor proclaimed to be in a state of disaster under Section
17 418.014, Government Code, due to a weather-related event; and

18 (3) the date of the election is before the first
19 anniversary of the date the state of disaster expires.

20 (j) A voter who presents a voter registration certificate
21 indicating that the voter is a service-disabled veteran is not
22 required to provide any identification in addition to the voter's
23 voter registration certificate.

24 (k) A voter who presents a voter registration certificate
25 indicating that the voter is a military widow or widower is not
26 required to provide any identification in addition to the voter's
27 voter registration certificate.

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SECTION 8. Section 63.006(a), Election Code, is amended to read as follows:

(a) A voter who, when offering to vote, presents a voter registration certificate indicating that the voter is currently registered in the precinct in which the voter is offering to vote, but whose name is not on the precinct list of registered voters, shall be accepted for voting if the voter's identity can be verified from the proof presented.

SECTION 9. Section 63.007(a), Election Code, is amended to read as follows:

(a) A voter who, when offering to vote, presents a voter registration certificate indicating that the voter is currently registered in a different precinct from the one in which the voter is offering to vote, and whose name is not on the precinct list of registered voters, shall be accepted for voting if the voter's identity can be verified from the proof presented and the voter executes an affidavit stating that the voter:

(1) is a resident of the precinct in which the voter is offering to vote or is otherwise entitled by law to vote in that precinct;

(2) was a resident of the precinct in which the voter is offering to vote at the time that information on the voter's residence address was last provided to the voter registrar;

(3) did not deliberately provide false information to secure registration in a precinct in which the voter does not reside; and

(4) is voting only once in the election.

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SECTION 10. Section 63.008(a), Election Code, is amended to read as follows:

(a) A voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct in which the voter is offering to vote, shall be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate in the voter's possession at the polling place at the time of offering to vote and the voter's identity can be verified from the proof presented [~~voter presents proof of identification in a form described by Section 63.0101~~].

SECTION 11. Section 63.0101, Election Code, is amended to read as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION.

(a) The following documentation is an acceptable form [~~as proof~~] of photo identification under this chapter:

(1) a driver's license or personal identification card issued to the person by the Department of Public Safety that has not expired or that expired no earlier than two years before the date of presentation [~~or a similar document issued to the person by an agency of another state, regardless of whether the license or card has expired~~];

(2) a United States military identification card that contains the person's photograph [~~form of identification containing the person's photograph that establishes the person's identity~~];

(3) a valid employee identification card that contains

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1 the person's photograph and is issued by an employer of the person
 2 in the ordinary course of the employer's business [~~birth~~
 3 ~~certificate or other document confirming birth that is admissible~~
 4 ~~in a court of law and establishes the person's identity~~];

5 (4) a United States citizenship certificate [~~papers~~]
 6 issued to the person that contains the person's photograph;

7 (5) a United States passport issued to the person;

8 (6) a student identification card issued by a public
 9 or private institution of higher education located in the United
 10 States that contains the person's photograph [~~official mail~~
 11 ~~addressed to the person by name from a governmental entity~~];

12 (7) a license to carry a concealed handgun issued to
 13 the person by the Department of Public Safety; or

14 (8) a valid identification card that contains the
 15 person's photograph and is issued by:

16 (A) an agency or institution of the federal
 17 government; or

18 (B) an agency, institution, or political
 19 subdivision of this state.

20 (b) The following documentation is acceptable as proof of
 21 identification under this chapter:

22 (1) a copy of a current utility bill, bank statement,
 23 government check, paycheck, or other government document that shows
 24 the name and address of the voter;

25 (2) official mail addressed to the person by name from
 26 a governmental entity;

27 (3) a certified copy of a birth certificate or other

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1 document confirming birth that is admissible in a court of law and
 2 establishes the person's identity;

3 (4) United States citizenship papers issued to the
 4 person;

5 (5) an original or certified copy of the person's
 6 marriage license or divorce decree;

7 (6) court records of the person's adoption, name
 8 change, or sex change;

9 (7) an identification card issued to the person by a
 10 governmental entity of this state or the United States for the
 11 purpose of obtaining public benefits, including veteran's
 12 benefits, Medicaid, or Medicare;

13 (8) a temporary driving permit issued to the person by
 14 the Department of Public Safety;

15 (9) a pilot's license issued to the person by the
 16 Federal Aviation Administration or another authorized agency of the
 17 United States;

18 (10) a library card that contains the person's name
 19 issued to the person by a public library located in this state; or

20 (11) a hunting or fishing license issued to a person by
 21 the Parks and Wildlife Department [~~or~~

22 ~~(8) any other form of identification prescribed by~~
 23 ~~the secretary of state]~~.

24 SECTION 12. Section 63.011(a), Election Code, is amended to
 25 read as follows:

26 (a) A person to whom Section 63.001(g), 63.008(b), or
 27 63.009(a) applies may cast a provisional ballot if the person

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1 executes an affidavit stating that the person:

2 (1) is a registered voter in the precinct in which the
3 person seeks to vote; and

4 (2) is eligible to vote in the election.

5 SECTION 13. Section 521.422, Transportation Code, is
6 amended by amending Subsection (a) and adding Subsection (d) to
7 read as follows:

8 (a) Except as provided by Subsection (d), the ~~[The]~~ fee for
9 a personal identification certificate is:

10 (1) \$15 for a person under 60 years of age;

11 (2) \$5 for a person 60 years of age or older; and

12 (3) \$20 for a person subject to the registration
13 requirements under Chapter 62, Code of Criminal Procedure.

14 (d) The department may not collect a fee for a personal
15 identification certificate issued to a person who states that the
16 person is obtaining the personal identification certificate for the
17 sole purpose of satisfying Section 63.001(b)(1), Election Code,
18 and:

19 (1) who is a registered voter in this state and
20 presents a valid voter registration certificate; or

21 (2) who is eligible for registration under Section
22 13.001, Election Code, and submits a registration application to
23 the department.

24 SECTION 14. The voter registrar of each county shall
25 provide notice of the change in identification requirements for
26 voting contained in this Act with each voter registration
27 certificate or renewal registration certificate issued on or before

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1 September 1, 2008. The secretary of state shall prescribe the form
2 of the notice required under this section.

3 SECTION 15. This Act takes effect September 1, 2007.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 29, 2007

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB218 by Brown, Betty (Relating to requiring a voter to present proof of identification.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB218, As Engrossed: an impact of \$0 through the biennium ending August 31, 2009.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2008	\$0
2009	\$0
2010	\$0
2011	\$0
2012	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>TEXAS MOBILITY FUND</i> 365
2008	(\$671,110)
2009	(\$671,110)
2010	(\$671,110)
2011	(\$671,110)
2012	(\$671,110)

Fiscal Analysis

The bill would amend Chapter 13 of the Election Code to require changes be made to the voter registration application form.

The bill would amend Chapter 63 of the Election Code to require a voter to present qualifying identification, as described in the bill, in addition to a voter's registration certificate. The requirement would not apply to individuals 80 years of age or older who presented their voter registration certificate. The presiding election judge would be required to prominently post notices of the list of acceptable forms of identification outside each polling location. The voter registrar of each county would be required to provide notice of the changes in identification requirements with each voter registration certificate or renewal registration certificate issued on or before September 1, 2008.

As soon as practicable after the effective date of the bill, the Secretary of State would be required to adopt training standards and develop training materials related to the changes in the acceptance and

handling of identification presented by a voter; and each county clerk would be required to provide a training session using those standards and materials.

The bill would amend Chapter 521 of the Transportation Code to prohibit the Texas Department of Public Safety (DPS) from collecting a fee for a personal identification certificate issued to a person who states that the person is obtaining the certificate for the sole purpose of satisfying the identification requirement that would be imposed by the bill, and the person is a registered voter in the state or is eligible for registration and submits a registration application to DPS.

The bill would take effect September 1, 2007.

Analysis by the Secretary of State indicates costs associated with changing and printing forms and creating new training materials and requirements could be absorbed using existing resources.

This analysis estimates that the provision of the bill that would exempt certain applicants from payment for an identification card would result in an annual revenue loss of \$671,110 each fiscal year out of the Texas Mobility Fund.

Methodology

Out of the nearly 4.1 million identification card holders in the Texas driver license file, there are 536,888 identification card holders who have indicated they are a registered voter. DPS does not know how many of those card holders would choose to use their identification card solely as voter identification; therefore, DPS assumed 100 percent of those 536,888 card holders would use the card for voting purposes only. The fee that would be waived ranges from \$5 to \$20, depending on certain criteria. DPS assumed the \$15 fee would apply to 100 percent of the persons seeking an identification card for voting purposes. This analysis assumes 50 percent of the identification card holders would seek their card solely as voter identification.

If the fee were to be waived for 50 percent all 536,888 persons applying for a renewal of their identification card totaling 268,444 persons, the estimated revenue loss for the Texas Mobility Fund over a six-year renewal period would be more than \$4.0 million ($268,444 \times \$15 = \$4,026,660$), which calculates to an annual revenue loss of approximately \$0.7 million ($\$4,026,660 / 6 = \$671,110$).

The revenue loss could be lower if fewer people than the 50 percent assumption who currently indicate they are a registered voter on their identification card state that the card would be used solely as voter identification, or it could be higher if all other identification card holders were to state when renewing that the card would be used solely for voter identification.

Technology

DPS would incur technology costs for reprogramming the Driver License System, but it is assumed those costs could be absorbed within existing resources.

Local Government Impact

The costs to counties would vary depending on the number of polling places for which signs must be posted, the number of election workers to be trained, and the number of registered voters to be notified of identification changes. However, no significant fiscal implication to units of local government is anticipated.

Source Agencies: 304 Comptroller of Public Accounts, 307 Secretary of State, 405 Department of Public Safety

LBB Staff: JOB, KJG, GG, DB, LG

BILL ANALYSIS

Senate Research Center

H.B. 218
By: Brown, Betty et al. (Fraser)
State Affairs
4/28/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, voters are only required to present a voter registration certificate to a poll worker to vote in a regular election. While this practice attempts to ensure that only registered voters receive a ballot on Election Day, it leaves a potential loophole for fraud, as individuals are not required to show identification to register to vote. As a result, it is possible for an unscrupulous individual to submit several falsified voter registration applications and to receive the voter registration certificates for those applications. Requiring verification of an individual's identity at the polling place, in addition to the voter registration certificate, may lessen the chance of such fraud occurring.

H.B. 218 requires that a voter present proof of identification when offering to vote.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 13.122(a), Election Code, to include a space or box for indicating whether the applicant for voter registration has served in the active military, naval, or air service, was discharged or released from the service under conditions other than dishonorable, and incurred or aggravated an injury during that service (service-disabled veteran), and to include a space or box for indicating whether the applicant is a widow or widower of a person who served in active military, naval, or air service (military widow or widower), in addition to the other statements and spaces for entering information that are required to appear on a voter registration application form. Makes conforming changes.

SECTION 2. Amends Section 15.001(a), Election Code, to include an indication on a voter registration certificate that the voter is a service-disabled veteran or a military widow or widower. Makes a conforming change.

SECTION 3. Amends Section 32.111, Election Code, by adding Subsection (c) to require the training standards adopted under Subsection (a) of this section (Training Standards for Election Judges) to include provisions on the acceptance and handling of the identification presented by a voter to an election officer under Section 63.001 (Regular Procedure for Accepting Voter), Election Code.

SECTION 4. Amends Section 32.114(a), Election Code, to require each election clerk to complete the part of the training program relating to the acceptance and handling of the identification presented by a voter to an election official under Section 63.001.

SECTION 5. Requires the secretary of state to adopt the training standards and develop the training materials required, and for the county clerk of each county to provide a session of training under Section 32.114 (Public County Training Program), Election Code, using the standards adopted and the materials developed, as soon as practicable after the effective date of this act to implement the change in law made by this Act to Section 32.111, Election Code.

SECTION 6. Amends Chapter 62, Election Code, by adding Section 62.016, as follows:

Sec. 62.016. NOTICE OF ACCEPTABLE IDENTIFICATION OUTSIDE POLLING PLACES. Requires the presiding judge to post a list of the acceptable forms of photographic and nonphotographic identification in a prominent place on the outside of each polling location. Requires the notice and list to be printed in at least 24-point font.

SECTION 7. Amends Section 63.001, Election Code, by amending Subsections (b), (c), (d), and (f), and adding Subsections (g) through (k), as follows:

(b) Requires a voter to present to an election officer the voter's voter registration certificate at the polling place and, except as provided by Subsection (j) or (k), one form of identification listed in Section 63.101(a) (relating to certain acceptable forms of photo identification) or two different forms of identification listed in Section 63.101(b) (regarding certain documentation considered acceptable as proof of identification).

(c) Deletes existing text referring to a registration certificate and replaces it with text referring to the documentation required by Subsection (b).

(d) Requires the voter to be accepted for voting if the voter's name is on the precinct list of registered voters and the voter's identity can be verified from the proof presented.

(f) Makes a conforming change.

(g) Authorizes the acceptance of a voter for provisional voting only under Section 63.011 (Provisional Voting), Election Code, if the requirements for identification prescribed by Subsection (b) are not met. Requires an election officer to inform a voter who is not accepted for voting under this section of the voter's right to cast a provisional ballot under that section.

(h) Provides that the requirements for identification prescribed by Subsection (b) do not apply to a voter who presents the voter's voter registration certificate on offering to vote and is 80 years of age or older as indicated by the date of birth on the voter's voter registration certificate.

(i) Sets forth certain provisions for voting in a precinct located in a county that the governor proclaimed to be in a state of disaster due to a weather related event, notwithstanding Subsection (b), (c), (d), or (g).

(j) Provides that a voter who presents a voter registration certificate that indicates the voter is a service-disabled veteran is not required to provide any identification in addition to that certificate.

(k) Provides that a voter who presents a voter registration certificate that indicates the voter is a military widow or widower is not required to provide any identification in addition to that certificate.

SECTION 8. Amends Section 63.006(a), Election Code, to require that a voter whose registration certificate indicates that the voter is currently registered in the percent in which the voter is offering to vote, but whose name is not on the precinct list of registered voters, be accepted for voting if the voter's identity can be verified from the proof presented.

SECTION 9. Amends Section 63.007(a), Election Code, to make a conforming change.

SECTION 10. Amends Section 63.008(a), Election Code, to require that a voter who does not present a voter registration certificate when offering to vote, but whose name is on the list of registered voters for the precinct, be accepted for voting if the voter executes an affidavit stating that the voter does not have the voter's voter registration certificate in the voter's possession at the polling place at the time of offering to vote and the voter's identity can be verified from the proof presented, rather than if the voter presents proof of identification in a form described by Section 63.0101.

SECTION 11. Amends Section 63.0101, Election Code, as follows:

Sec. 63.0101. DOCUMENTATION OF PROOF OF IDENTIFICATION. (a) Creates this subsection from existing text. Sets forth certain documentation that constitutes an acceptable form of photo identification, rather than proof of identification, under this chapter (Accepting Voter).

(b) Sets forth certain documentation that constitutes acceptable proof of identification under this chapter.

SECTION 12. Amends Section 63.011(a), Election Code, to include a person to whom Section 63.001(g) applies as a person who is authorized to cast a provisional ballot if the person executes an affidavit with certain statements.

SECTION 13. Amends Section 521.422, Transportation Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Sets forth certain fees for the issuance of a personal identification certificate, except as provided by Subsection (d).

(d) Prohibits the Texas Department of Transportation from collecting a fee for a personal identification certificate to a person who states the that the person is obtaining said certificate for the sole purpose of satisfying Section 63.001(b)(1), Election Code, and who meets other certain criteria.

SECTION 14. Requires the voter registrar of each county to provide notice of the change in identification requirements of voting contained in this Act with each voter registration certificate or renewal registration certificate issued on or before September 1, 2008. Requires the secretary of state to prescribe the form of such a notice.

SECTION 15. Effective date: September 1, 2007.

** REVISION **

SENATE
NOTICE OF PUBLIC HEARING

COMMITTEE: State Affairs
TIME & DATE: 9:00 AM, Monday, April 30, 2007
PLACE: Senate Chamber
CHAIR: Senator Robert Duncan

Bills to be considered:

[SB 1143](#) Deuell

Relating to prohibiting certain ranking of physicians by health benefit plans.

[SB 1613](#) Duncan

Relating to the immunity from individual liability of directors of soil and water conservation districts.

[SB 2037](#) Ogden

Relating to the ability of the attorney general to offer assistance to a prosecuting attorney.

[SB 2040](#) Jackson, Mike

Relating to coverage for bariatric surgical procedures for certain state employees.

[HB 41](#) Paxton SP: Seliger

Relating to the confidentiality of home address information of certain federal judges and their spouses and of certain state judges.

[HB 218](#) Brown, Betty / et al. SP: Fraser

Relating to requiring a voter to present proof of identification.

[HB 991](#) Rose / et al. SP: Deuell

Relating to the confidentiality of certain records maintained by the Department of Public Safety regarding persons licensed

to carry a concealed handgun.

[HB 1602](#) Van Arsdale / et al. SP: Fraser
Relating to venue in civil actions under the Jones Act.

[HB 2004](#) Giddings SP: Lucio
Relating to requiring that a doctor who reviews a workers' compensation case be certified in a professional specialty appropriate to the care received by the injured employee.

[HJR 59](#) Elkins / et al. SP: Wentworth
Proposing a constitutional amendment to allow the legislature to override a veto of the governor following a legislative session.

Pending Bills

[SB 700](#) Lucio
Relating to state agency rules affecting small businesses.

[SB 730](#) Carona / et al.
Relating to a study concerning maximum lifetime benefit limits under health benefit plan coverage applicable to hemophilia-related services, supplies, pharmaceuticals, and biologics.

Bills added after last posting:

[HB 41](#)
[SB 700](#)
[SB 730](#)

** See Committee Coordinator for previous versions of the schedule **

**MINUTES
SENATE COMMITTEE ON STATE AFFAIRS**

Monday, April 30, 2007

9:00 a.m.

Senate Chamber

Pursuant to a notice posted in accordance with Senate Rule 11.18, a public hearing of the Senate Committee on State Affairs was held on Monday, April 30, 2007, in the Senate Chamber in Austin, Texas.

MEMBERS PRESENT:

Senator Robert Duncan

Senator Tommy Williams

Senator John Carona

Senator Rodney Ellis

Senator Troy Fraser

Senator Chris Harris

Senator Mike Jackson

Senator Eddie Lucio, Jr.

Senator Leticia Van de Putte

The chair called the meeting to order at 9:05 a.m. The following business was transacted:

The chair laid out HB 41 and recognized the Senate sponsor, Senator Seliger, to explain the bill. Senator Fraser sent up a committee substitute; the chair recognized Senator Seliger to explain the difference between the committee substitute and the house bill as engrossed. Senator Duncan sent up Committee Amendment 1 to HB 41. Witnesses registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered. The chair moved that HB 41 be left pending to await a quorum; without objection, it was so ordered.

The chair laid out SB 1143 and recognized the author, Senator Deuell, to explain the bill. Senator Fraser sent up a committee substitute; the chair recognized Senator Deuell to explain the difference between the committee substitute and the senate bill as filed. Witnesses testifying and registering on the bill are shown on the attached list. The

chair moved that the public testimony be closed; without objection, it was so ordered. The chair moved that SB 1143 be left pending; without objection, it was so ordered.

The chair laid out HB 991 and recognized the Senate sponsor, Senator Deuell, to explain the bill. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered. The chair moved that HB 991 be left pending; without objection, it was so ordered.

The chair laid out SB 2040 and recognized the author, Senator Jackson, to explain the bill. Senator Jackson sent up a committee substitute; the chair recognized Senator Jackson to explain the difference between the committee substitute and the senate bill as filed.

At 9:53 a.m. Senator Fraser assumed the chair.

At 9:54 a.m. Senator Duncan resumed the chair.

Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered. The chair moved that SB 2040 be left pending; without objection, it was so ordered.

The chair laid out HB 218 and recognized the Senate sponsor, Senator Fraser, to explain the bill. Senator Fraser sent up a committee substitute; the chair recognized Senator Fraser to explain the difference between the committee substitute and the house bill as engrossed. Witnesses testifying and registering on the bill are shown on the attached list.

Upon arrival of a quorum, the chair requested the roll call. Senators Duncan, Ellis, Fraser, Lucio, Jr., and Van de Putte were all present. A quorum was established at 11:19 a.m. Senators Williams and Carona arrived after the roll call.

The chair moved that the public testimony be closed; without objection, it was so ordered. The chair moved that HB 218 be left pending; without objection, it was so ordered.

The chair laid out HB 2004 and recognized the Senate sponsor, Senator Lucio, Jr., to explain the bill. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered. Senator Duncan sent up Committee Amendment 1. The chair moved that HB 2004 be left pending; without objection, it was so ordered.

The chair laid out HJR 59 and recognized the Senate sponsor, Senator Wentworth, to explain the bill. Senator Lucio, Jr. sent up a committee substitute; the chair recognized Senator Wentworth to explain the difference between the committee substitute and the house bill as engrossed. With no witnesses registering the chair moved public testimony

be closed; without objection, it was so ordered. The chair moved that HJR 59 be left pending; without objection, it was so ordered.

At 1:00 p.m. the chair moved that the committee stand recessed until after adjournment of the Senate; without objection, it was so ordered.

At 6:49 p.m. the committee reconvened.

The chair laid out SB 2037 and recognized Senator Williams, in the absence of the author, to explain the bill. Senator Williams sent up a committee substitute; the chair recognized Senator Williams to explain the difference between the committee substitute and the senate bill as filed. Senator Williams moved adoption of the committee substitute; without objection, it was so ordered. Witnesses registering on the bill are shown on the attached list. The chair moved public testimony be closed; without objection, it was so ordered. The chair moved that SB 2037 be left pending; without objection, it was so ordered.

At 6:55 p.m. Senator Williams assumed the chair.

The chair laid out SB 1613 and recognized the author, Senator Duncan, to explain the bill. Senator Duncan sent up a committee substitute; the chair recognized Senator Duncan to explain the difference between the committee substitute and the senate bill as filed. Senator Duncan moved adoption of the committee substitute; without objection, it was so ordered. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered. The chair moved that SB 1613 be left pending; without objection, it was so ordered.

At 7:02 p.m. Senator Duncan resumed the chair.

Upon arrival of a quorum, the chair requested the roll call. Senators Duncan, Williams, Fraser, Harris, Jackson, and Van de Putte were all present. A quorum was established at 7:02 p.m. Senators Carona, Ellis, and Lucio, Jr., arrived after the roll call.

At 7:03 p.m. Senator Williams assumed the chair.

The chair laid out as a matter of pending business SB 1613. Senator Duncan moved that SB 1613 do not pass but that CSSB 1613 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Duncan moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered. Senators Carona, Ellis, and Lucio, Jr., requested unanimous consent to be shown voting AYE on SB 1613; without objection, it was so ordered.

At 7:04 p.m. Senator Duncan resumed the chair.

The chair laid out as a matter of pending business SB 2037. Senator Williams moved that SB 2037 do not pass but that CSSB 2037 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Williams moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered. Senators Carona and Lucio, Jr. requested unanimous consent to be shown voting AYE on SB 2037; without objection, it was so ordered.

The chair laid out as a matter of pending business SB 2040. Senator Jackson moved adoption of the committee substitute; without objection, it was so ordered. Senator Jackson moved that SB 2040 do not pass but that CSSB 2040 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Jackson moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered. Senators Carona and Lucio, Jr., requested unanimous consent to be shown voting AYE on SB 2040; without objection, it was so ordered.

The chair laid out as a matter of pending business HB 41. The chair moved adoption of Committee Amendment 1 to HB 41; without objection, it was so ordered. Senator Fraser requested unanimous consent to roll the amendment into a committee substitute; without objection, it was so ordered. Senator Fraser then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Fraser moved that HB 41 do not pass but that CSHB 41 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Fraser moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered. Senators Carona and Lucio, Jr., requested unanimous consent to be shown voting AYE on HB 41; without objection, it was so ordered.

The chair laid out as a matter of pending business HB 218. Senator Fraser withdrew the previously offered substitute. Senator Fraser sent up a new committee substitute; the chair recognized Senator Fraser to explain the difference between the committee substitute and the senate bill as filed. Senator Fraser moved adoption of the committee substitute; without objection, it was so ordered. Senator Fraser moved that HB 218 do not pass but that CSHB 218 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 6 ayes, 3 nays, 0 present not voting, and 0 absent. Senator Lucio, Jr., requested unanimous consent to be shown voting NAY on HB 218; without objection, it was so ordered.

The chair laid out as a matter of pending business HB 991. Senator Williams moved that HB 991 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 7 ayes, 2 nays, 0 present not voting, and 0 absent. Senator Lucio, Jr. requested unanimous consent to be shown voting AYE on HB 991; without objection, it was so ordered.

The chair laid out as a matter of pending business HB 2004.

At 7:13 p.m. Senator Williams assumed the chair.

Senator Duncan moved adoption of Committee Amendment 1 to HB 2004; without objection, it was so ordered. Senator Lucio, Jr., sent up Committee Amendment 2 to HB 2004. Senator Duncan moved that HB 2004 be left pending; without objection, it was so ordered.

At 7:16 p.m. Senator Duncan resumed the chair.

The chair laid out as a matter of pending business SB 700 and recognized the author, Senator Lucio, Jr., to explain the bill. Senator Lucio, Jr., withdrew previously offered Committee Amendment 1 to SB 700. Senator Lucio, Jr. sent up Committee Amendment 2 to SB 700 and moved adoption; without objection, the amendment was adopted. Senator Lucio, Jr. requested unanimous consent to roll the amendment into a committee substitute; without objection, it was so ordered. Senator Lucio, Jr. then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Lucio, Jr. moved that SB 700 do not pass but that CSSB 700 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent.

The chair laid out as a matter of pending business SB 730 and recognized the author, Senator Carona, to explain the bill. SB 730 had previously been heard in Subcommittee and reported back to the full Committee with the recommendation that it do pass. Senator Carona moved that SB 700 be reported favorably to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent. Senator Carona moved that the bill be recommended for placement on the Local & Uncontested Calendar; without objection, it was so ordered.

The chair laid out as a matter of pending business SB 922. Senator Lucio, Jr., moved adoption of the previously offered committee substitute; without objection, it was so ordered. Senator Lucio, Jr. moved that SB 922 do not pass but that CSSB 922 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent.

The chair laid out as a matter of pending business HB 2004. Senator Lucio, Jr. withdrew Committee Amendment 2 to HB 2004. Senator Lucio, Jr. requested unanimous consent to roll Committee Amendment 1 to HB 2004 into a committee substitute; without objection, it was so ordered. Senator Lucio, Jr. then moved that the committee substitute be adopted; without objection, it was so ordered. Senator Lucio, Jr. moved that HB 2004 do not pass but that CSHB 2004 be reported back to the Senate with the recommendation that it do pass and be printed. The motion carried with a record vote of 9 ayes, 0 nays, 0 present not voting, and 0 absent.

The chair laid out HB 1602 and recognized the Senate sponsor, Senator Fraser, to explain the bill. Senator Fraser sent up a committee substitute; the chair recognized Senator Fraser to explain the difference between the committee substitute and the house bill as engrossed. Witnesses testifying and registering on the bill are shown on the attached list. The chair moved that the public testimony be closed; without objection, it was so ordered.

During witness testimony Senators Carona and Jackson assumed the chair temporarily for Senator Duncan.

The chair moved that HB 1602 be left pending; without objection, it was so ordered.

There being no further business, at 10:21 p.m. the chair moved that the Committee stand recessed subject to the call of the chair. Without objection, it was so ordered.

Senator Robert Duncan, Chair

Anna Beth White, Clerk

WITNESS LIST

State Affairs

April 30, 2007 - 09:00 AM

HB 41

Registering, but not testifying:

On:

Reynolds, Carl (Office of Court Administration, Texas Judicial Council), Austin, TX

HB 218

FOR:

Forest, Rebecca (Immigration Reform Coalition of Texas), Austin, TX
Galloway, Carolyn (Texas Eagle Forum, Citizens for Immigration Reform), Dallas, TX

AGAINST:

Carvell, Helen (Self), Austin, TX
Courage, John (True Courage Action Network), Austin, TX
Figueroa, Luis (Mexican American Legal Defense and Educational Fund), San Antonio, TX
Garza, Jose (LULAC), San Antonio, TX
Korbel, George (Self), San Antonio, TX
McCloskey, Amanda (AARP - Texas), Austin, TX
Perkins, Deena (Self), Austin, TX
Sanchez, David (Cameron County Democratic Party), Harlingen, TX
Santana, Sonia (ACLU - Texas)
Wood, Buck (Self), Austin, TX

ON:

Hanshaw Winn, Elizabeth (Secretary of State), Austin, TX
McGeehan, Ann (Office of Texas Secretary of State), Austin, TX

Registering, but not testifying:

For:

Connett, Brent (Texas Conservative Coalition), Austin, TX
Galloway, Bruce C. (Self), Dallas, TX

Against:

Arterburn, David (United Transportation), Amarillo, TX

Bailey, Ken (Texas Democratic Party), Austin, TX
Borel, Dennis (Coalition of Texans with Disabilities), Austin, TX
Cunningham, Michael (Texas Building and Construction Trades Council, AFL-CIO), Austin, TX
English Jr., C.M. (United Transportation Union), Austin, TX
Harrell, Will (NAACP), Austin, TX
Hill, Dr. Forest G. (Self), Austin, TX
Lehmann, Mary (Self), Austin, TX
Littles, Paula (Texas AFLCIO), Austin, TX
Medley, Lee (District Council of United Steelworkers), Santa Fe, TX
Moorhead, Bee (Texas Impact), Austin, TX
Neavel, Nancy T. (Self), Austin, TX
Parken, Judy (Self), Austin, TX
Privett, Anita (Self), Austin, TX
Sperry, Teri (True Courage Action Network), Austin, TX

Providing written testimony:

Against:

Arthur, Joy (People for the American Way), Austin, TX
Banks, Yannis (Texas Conference of NAACP Branches), San Marcos, TX
Finch, Mary (The League of Women Voters of Texas), Austin, TX

HB 991

FOR:

Tripp, Alice (Texas State Rifle Association), Paige, TX

Registering, but not testifying:

For:

Mica, Tara (National Rifle Association), Austin, TX

Against:

Schneider, Michael (Texas Association of Broadcasters), Austin, TX
Whalen, Ken (Texas Daily Newspaper Association, Texas Press Association), Austin, TX

HB 1602

FOR:

Boyd, Waymon (King Fisher Marine Service, LP), Port Lavaca, TX
Elizondo, Enrique (Great Lakes D&D, LLC), Bandera, TX
Forbes, Scott (Port of Houston Authority), Houston, TX

Hanson, Bill (Maritime Jobs for Texas), Houston, TX
Hull, Mike (Texans for Lawsuit Reform), Austin, TX
LaQuaz, Linda (T.W. LaQuaz Dredging), Port Lavaca, TX
Lawrence, Berdon (Kirby Corporation), Houston, TX
Patterson, Jerry (Texas General Land Office), Austin, TX
Trabulsi, Jr., Richard J. (Texans for Lawsuit Reform), Austin, TX
Weekley, Dick (TLR), Houston, TX
Woodruff, Matt (Texas Waterway Operators Association), Houston, TX

AGAINST:

Choate, Guy (TTLA), Austin, TX
Plezia, Richard (TTLA), Houston, TX

ON:

Bresnen, Steve (TTLA), Austin, TX

Registering, but not testifying:

For:

Casals, Peter (Lumbermen's Association of Texas), Austin, TX
Connett, Brent (Texas Conservative Coalition), Austin, TX
Cornelison, Robert C. (Texas Ports Association), Los Fresnos, TX
Fisher, Jon (Sherwin Alumina Company), Austin, TX
Golemon, Kinnan (Shell Oil Co.), Austin, TX
Green, Shelton (Texas Association of Business), Austin, TX
Hastings, Debbie (Texas Oil and Gas Association), Austin, TX
Howden, Robert (Texas Association of Manufacturers), Austin, TX
Mathis, James (Dupont), Austin, TX
McCauley, Cindy (Lyondell Chemical), Houston, TX
Meroney, Mike (The Huntsman Corporation), Austin, TX
Mintz, David (Texas Apartment Association), Austin, TX
Moore, Julie W. (Occidental Petroleum Corporation), Austin, TX
Newton, Will (National Federation of Independent Business), Austin, TX
Olson, Kym (El Paso Corp.), Houston, TX
Perryman, Larry (Bay - Houston Towing Co.), Friendswood, TX
Sickels, Linda (Trinity Ind. Inc.), Austin, TX
Strama, Keith (Exxon Mobil), Austin, TX
Teichman, Rudy (T&T Marine Salvage, Tug Josephine, T&T Offshore), Galveston, TX
Valdez, Jerry (Greater Houston Partnership), Austin, TX

Whitehurst, Darren (Texas Medical Association), Austin, TX
Wisdom, Christina (Texas Chemical Council), Austin, TX

Against:

Arterburn, David (United Transportation Union), Amarillo, TX
Cunningham, Michael (Texas Building and Construction Trades Council,
AFL-CIO), Austin, TX
English, Jr., C.M. (United Transportation Union), Austin, TX
Harvey, Jay (Texas Trial Lawyers Association), Austin, TX
House, Marc (United Auto Workers), Arlington, TX

Providing written testimony:

Against:

Bolton, Pamela J. (Texas Watch), Austin, TX

HB 2004

FOR:

DeWitt, Cathy (Texas Association of Business), Austin, TX
Smith, M.D., Charlotte H. (Texas Medical Association), Austin, TX

AGAINST:

Smith, DO, Stephen L. (Self), Fredericksburg, TX

Registering, but not testifying:

For:

Arterburn, David (United Transportation Union), Amarillo, TX
Campbell, Ben (TCA), Dripping Springs, TX
Cunningham, Michael (Texas Building and Construction Trades Council,
AFL-CIO), Austin, TX

English, Jr., C.M. (United Transportation Union), Austin, TX
House, Marc (United Auto Workers), Arlington, TX
Levy, Rick (Texas AFL-CIO), Austin, TX

On:

Lazaretti, Margaret (Texas Department of Insurance), Austin, TX
Watch, Brent (Texas Department of Insurance, Division of Workers'
Compensation), Austin, TX

SB 700

FOR:

Opiela, Eric (Self), Karnes City, TX

SB 1143

FOR:

Smith, M.D., Charlotte H. (Texas Medical Association), Austin, TX

AGAINST:

Wolfe, Jared (Texas Association of Health Plans), Austin, TX

Registering, but not testifying:

For:

Banning, Tom (Texas Academy of Family Physicians), Austin, TX

Kent, Chip (Texas Chiropractic Association), Austin, TX

Against:

Homer, Andrew (Texas Public Employees Association), Austin, TX

On:

Danzeisen, Doug (Texas Department of Insurance), Austin, TX

SB 1613

FOR:

Edmiston, Gene (VOCA)

Richmond, Jule (Association of Texas Soil and Water Conservation District), Blanket, TX

Registering, but not testifying:

For:

Edmiston, Gene (Self), Voca, TX

Tate, Jesse (McCulloch SWCD), Brady, TX

Thompson, Jan (Hays County Soil and Water Conservation), Wimberley, TX

SB 2037

Registering, but not testifying:

On:

Nichols, Eric (Office of the Attorney General), Austin, TX

SB 2040

FOR:

Scott, Rona P. (Self), Kyle, TX

Sherrod, M.D., Mark R. (Self), Austin, TX

THE SENATE OF TEXAS
SENATE COMMITTEE ON STATE AFFAIRS
APRIL 30, 2007
(HOUSE BILL 218 PUBLIC HEARING)

Transcribed by Jean Thomas Fraunhofer, CSR

April 27, 2012



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JA_008158

TX_00213266

(TIMER: 51:06.1 to 3:06:35.6)

CHAIRMAN DUNCAN: Next bill is -- let's see -- House Bill 218 by Brown. Fraser is the senate sponsor relating to requiring a voter to present proof of identification. Senator Fraser, you're recognized. I believe you have a substitute. You want to go ahead and lay the substitute out first? Or just lay it out and then you can --

SENATOR FRASER: If we could, there is a substitute. I'm going to talk a minute about the -- the original bill --

CHAIRMAN DUNCAN: Okay.

SENATOR FRASER: -- and then we'll talk about the substitute.

CHAIRMAN DUNCAN: Go ahead. Senator Fraser sends up a committee substitute and will explain the original bill and the differences between the original and the committee substitute.

SENATOR FRASER: Thank you, Mr. Chairman. I'm going to reverse this. I will now lay out the committee's substitute and then I'll be -- testimony will be describing the substitute.

Mr. Chairman, in the 1960's Americans filed a civil rights battle to ensure the right of everyone to vote, but every American has an equal civil



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1 right not to have their ballot canceled out by someone
2 who shouldn't be voting or is voting twice or in some
3 cases has long since died.

4 A current Wall Street Journal/NBC news
5 poll was last April found that 80 percent of Americans
6 favored a photo ID requirement with only 7 percent
7 opposed. However, a more recent poll was conducted by
8 Royal Masset finds that 85 percent of Texans regardless
9 of income level or race favor photo ID.

10 Americans are frequently asked to show
11 identification for even the most mundane activities, to
12 rent a DVD, check out a library book, board an airplane,
13 to buy alcohol or to belong to a bulk retail club such
14 as Sam's Club or to purchase cold medications such as
15 Sudafed. In each of these instances, the right to vote
16 trumps all importance. A worker in a polling place
17 should be able to identify the identity of the voter.

18 The issue is not only in Texas. These
19 safeguards now are in a host of countries, two bordering
20 the United States. Canada and Mexico both have the
21 safeguards, but we're joined by France, Germany, Italy,
22 Poland, Britain, India and south Africa in requiring a
23 photo ID.

24 House bill -- France -- France -- House
25 Bill 218 requires that in offering to vote, a voter must



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1 present either one form of photo ID or two different
2 forms of non-photo identification. If the person fails
3 to meet these standards, they must still vote upon the
4 completion of a provisional ballot affidavit.

5 The committee substitute difference from
6 the gross version in that it eliminates exceptions to
7 the law, and instead of requiring the county voter
8 registrar to mail each voter notice of the change of
9 law, that notification must be placed on the Secretary
10 of State's website and the website of the county
11 registrar, if they have one, and that is the bill.

12 CHAIRMAN DUNCAN: Thank you. Members,
13 also, I think if you'll look at your interim report that
14 was done over the -- that our committee did over the
15 interim, there's an excellent brief that stands in on
16 this with regard to the law as it has evolved, and I
17 think it's pretty current. I think there's been one
18 extra case that's some new case that's come out since
19 that brief was prepared, and it basically discusses the
20 attempts by other states to use voter ID and kind of
21 gives you a good outline of where the law has progressed
22 with regard to the use of voter ID.

23 And I think, Senator, it's my
24 understanding that the substitute that you've developed
25 here reflects those changes or at least the principles



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1 that are embodied in those cases; is that correct?

2 SENATOR FRASER: That is correct.

3 CHAIRMAN DUNCAN: All right. Are there
4 any questions of Senator Fraser? All right. We've got
5 a few witnesses on this more or less, and we will go
6 ahead and -- let's go ahead and call up panels of three.
7 Again, recall that your time limits are 3 minutes.
8 Members, if you'll refrain from asking questions until
9 the witness has had a chance to complete their
10 testimony, that will be helpful, and then you can ask
11 all the questions you need.

12 Skipper Wallace, Jose Garza, Amanda
13 McCluskey. And please don't read to us. If you can
14 talk to us, we'd appreciate that very much. And you've
15 got 3 minutes, members, so -- I call, I think, first
16 Skipper Wallace. Mr. Wallace. Mr. Wallace is not here?
17 Okay. Let the record reflect that Mr. Wallace is the --
18 represents the Republican County Chairmans Association,
19 State Legislative Chair, registered in favor of the
20 bill.

21 Okay. We have Mr. Garza, Amanda
22 McCluskey, and let's go ahead and get David Sanchez up
23 here too. Okay. Please state your name and who you
24 represent.

25 SENATOR FRASER: Mr. Chairman?



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1 CHAIRMAN DUNCAN: Senator Fraser?

2 SENATOR FRASER: Skipper Wallace just came
3 in.

4 CHAIRMAN DUNCAN: Oh, okay. Okay.
5 Mr. Wallace, why don't you -- you can come -- Well, come
6 up. We've already called you and we'll -- okay.
7 Mr. Garza?

8 MR. GARZA: Yes my. Name is Jose Garza,
9 and I'm here on behalf of LULAC. I'm their voting
10 rights counsel, and I'm here to speak against the -- the
11 bill.

12 CHAIRMAN DUNCAN: Let me -- The bill or
13 the committee substitute?

14 MR. GARZA: The committee substitute and
15 the bill, either one or both. It is LULAC's position
16 that the voter ID bill would not pass muster under the
17 Voting Rights Act. It would be illegal under Section 5
18 of the Voting Rights Act. As the committee is aware,
19 any bill -- any law that is passed in Texas that impacts
20 on the right to vote must be reviewed by the Department
21 of Justice under Section 5 of the Voting Rights Act.
22 That review entails a requirement that the bill not be
23 retrogressive in its application to minority voters.

24 In making that assessment, the Department
25 of Justice will review a number of items to make that



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determination, including that is a benchmark law that is what is in place now. In comparison then to the law as it is now, this bill places a burden on minority voters and to a greater extent, other voters of the state. The requirements that are in place because of the status of minority voters in Texas makes it more difficult for them to comply with this bill.

I came today with Mr. George Korbel who's done an analysis of a number of things, and he'll testify as we proceed with hearing evidence in which we have -- we'll be able to show the number of items that are required by this bill do weigh -- place a heavier burden on minority voters, and, therefore, in our assessment of the bill, this bill would not pass muster under Section 5 of the Voting Rights Act and would dampen voter participation in the minority community. We urge the Senate to reject the bill and the substitute.

CHAIRMAN DUNCAN: Okay. Members, any questions? Senator Fraser?

SENATOR FRASER: Just clarification, members. The voter identification laws that are more strict in House Bill 218 have already passed preclearance by the Department of Justice under the Voting Rights Act in Arizona, Louisiana, Florida and



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1 South Dakota. Secondly, a US District Court has
2 recently affirmed that voter identification laws are not
3 an unconstitutional poll tax and its rulings are based
4 on Indiana 2007, Georgia 2006, relying on the Supreme
5 Court's decision and verdict. Both cases noted the
6 imposition in general burden does not transform a
7 regulation to a poll tax.

8 CHAIRMAN DUNCAN: Senator Ellis.

9 SENATOR ELLIS: Can you give me some input
10 on what has happened around the country when the laws
11 have been put in place?

12 MR. GARZA: Well, a number of them have
13 been challenged, and as the senator indicated, a number
14 of them have been successful in securing preclearance
15 and/or securing approval in court challenges. However,
16 the circumstances of Texas are unique. The voting
17 history -- the election laws have been applied to
18 minorities in Texas is unique.

19 One of the things that Mr. Korbelt is going
20 to show, for example, is one of the -- if you don't have
21 a driver's license, you can get a voter ID from a
22 Department of Transportation outlet. One of the things
23 Mr. Korbelt has done is to show the accessibility of
24 those substations where you can get those IDs, and
25 they're in such -- in locations such that they are



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1 extremely difficult for the minority community to --
2 to -- to access. So the facts of Texas are going to be
3 unique, and it is our opinion that once the Department
4 of Justice reviews these unique facts that this bill and
5 this substitute will not comply with the Voting Rights
6 Act.

7 SENATOR ELLIS: Of course, you are aware
8 of the criticism with the Department of Justice in the
9 last several months with political activity that has
10 been going on in the justice department.

11 MR. GARZA: That's right. That's
12 another -- In order to compare what's happening now with
13 things that have occurred in the past, you can't divest
14 yourself of the history that the Department of Justice
15 has had in being politicized. We believe that that
16 scrutiny that has been placed on the Department of
17 Justice will allow the Department of Justice to have a
18 more independent view from the staff when this bill, if
19 it passes, is reviewed by the Department of Justice.

20 CHAIRMAN DUNCAN: Thank you. Senator Van
21 de Putte?

22 SENATOR VAN DE PUTTE: Thank you,
23 Mr. Garza, for being here. Can you tell me of the
24 states where this has been, I guess, upheld, how many of
25 those states are under both Section 5 and Section 2 of



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1 the Voting Rights Act?

2 MR. GARZA: Well, a number of them -- I'm
3 not familiar with the precise number, Senator. A number
4 of them have had challenged Section 2 of the vote --

5 SENATOR VAN DE PUTTE: Right.

6 MR. GARZA: -- of the Voting Rights Act,
7 and a number of them have been reviewed under Section 5
8 and secured preclearance under Section 5. In all of
9 those circumstances, however, comparing those bills to
10 the bill in Texas, is I don't think that's a fair
11 comparison. The facts in Texas are going to be
12 different regardless of what their -- each of the
13 features of the bill are the same or not.

14 The minority community in Texas has had a
15 different experience from the minority community in
16 Arizona, for example. The minority community in Texas
17 has a different socioeconomic situation than in other
18 states. One of the states in which this has been very
19 contentious and very controversial is in the State of
20 Georgia. The State of Georgia's minority population is
21 just slightly larger than the minority population in
22 Harris County. In one county, we have almost as many
23 minorities as the entire State of Georgia. So the
24 review by the Department of Justice under Section 5 is
25 going to be unique to the facts in Texas.



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1 SENATOR VAN DE PUTTE: Thank you for that
2 clarification. My other question is the studies that
3 you've seen, what sort of percentage can we expect on
4 decreases on voter turnout in the minority community?

5 MR. GARZA: Well, again, I think that
6 the -- there's going to be a substantial reduction.
7 This is essentially setting up a reregistration for the
8 minority community, and in a number of situations where
9 laws have been passed in Texas to require, for example,
10 the -- the -- the cleaning of the roles. The Department
11 of Justice has been very skeptical about those -- about
12 those bills, and in this situation that's essentially
13 what we're going to have with the great number of people
14 who don't have driver's licenses, who don't have voter
15 ID, and are having --

16 The other thing that's important in terms
17 of analyzing this is a lot of studies have shown that
18 you don't make a decision to go vote until election day
19 and the minute that you decide to go vote, within that
20 time frame. So if you don't have a driver's license, if
21 you don't have a voter ID, then it's -- and you don't
22 live in an area where a substation for getting a voter
23 ID is located, that's not going to be an option. So you
24 are going to have to make a determination about what
25 kinds of alternative identification you are going to be



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1 able to secure in that sort of time frame.

2 Again, all of those things that are --
3 that are listed as alternatives forms of identification
4 are going to be less available to poor citizens of -- of
5 Texas than to other folks, and our studies show that
6 minority community is over-concentrated in those
7 socioeconomic levels.

8 SENATOR VAN DE PUTTE: Thank you,
9 Mr. Garza. I don't have any other further questions.

10 CHAIRMAN DUNCAN: All right. We have
11 Amanda McCluskey, AARP Texas. State your name and who
12 you represent.

13 MS. McCLUSKEY: Sure. Thank you. Good
14 morning, my name's Amanda McCluskey. I represent AARP
15 Texas and our 2.3 million members here in the State of
16 Texas. I'm the manager of Advocacy for Texas, and I'm
17 here to talk with you about our opposition to House Bill
18 218. We're very concerned that this bill he -- it hits
19 right at the most basic rights, and one of those most
20 basic rights is the right to vote. We should be doing
21 more to encourage people to participate in the voting
22 process, not creating barriers that keep voters away
23 from the polls and make it more difficult to cast their
24 vote and participate in our -- in our democracy.

25 Specifically, we think this is a major



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1 concern for our members, particularly our older members
2 because those are the voters who have less access to --
3 to important documents. They have less ability to
4 access the facilities that are needed to get -- if they
5 don't have a driver's license, they have less ability to
6 gets the ID cards that were mentioned earlier. They are
7 also the largest voting block. In the last election
8 more than half of the voters were over age 50, and we
9 believe that this raises serious issues for this
10 population to have access to the voting booth.

11 Simple paperwork is often complicated and
12 difficult for our more elderly citizens. Also,
13 documents like a birth certificate, expired passport,
14 these are all often difficult for our older members of
15 society to produce -- to produce and/or purchase. They
16 may be lost due to fire, due to moving, due to papers
17 being misplaced. All of these make it difficult for
18 someone to produce the necessary documentation outlined
19 in House Bill 218.

20 One other thing I'd like to share with you
21 to give you kind of a sense of the concerns of this
22 population is that 18 percent of Americans over age 65
23 do not have some form of government issued photo ID. So
24 if we think about disenfranchising, essentially
25 18 percent of our 65-plus population with this kind of



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1 piece of legislation raises serious concerns for them.
2 So I thank you for your time, and I urge you to vote
3 against House Bill 218.

4 CHAIRMAN DUNCAN: Senator Ellis?

5 SENATOR ELLIS: What's the source of that
6 percentage of people who don't have any form of ID?

7 MS. McCLUSKEY: It comes from the New York
8 School of Law, a study done by the Center for Justice
9 there, and I have this document and copies --

10 SENATOR ELLIS: It's a nationwide study?

11 MS. McCLUSKEY: It's a nationwide study of
12 Americans --

13 SENATOR ELLIS: So in some states it may
14 be even higher.

15 MS. McCLUSKEY: It's possibly. Doesn't
16 have the data.

17 SENATOR ELLIS: So in your opinion -- if
18 you can speak for your organization, do you see this
19 bill as voter suppression measure?

20 MS. McCLUSKEY: We're absolutely concerned
21 that this is going to discourage people from going to
22 the polls and make it harder for them to cast their
23 vote.

24 SENATOR ELLIS: Now, in your work have you
25 had any instances in which any of your members have been



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1 accused or found guilty of voting with the wrong ID?

2 MS. McCLUSKEY: Yes. And, in fact, one of
3 the things that -- that I didn't get a chance to
4 mention, but wanted to, our understanding is that in
5 fact there's no data to support the problems that this
6 bill is purporting to try and address. Testimony --

7 SENATOR ELLIS: Go ahead.

8 MS. McCLUSKEY: -- before -- before the
9 House Elections Committee, by both the Secretary of
10 State and the Attorney General's Office said there
11 actually have been no reports since 2002 of any
12 individuals impersonating someone at the voting booth,
13 and so we think in fact that this bill is potentially --
14 it's potentially a solution in search of a problem.

15 SENATOR ELLIS: Now, and under this
16 bill -- I wasn't here when he laid out the substitute --
17 I assume that it does not apply to people who are voting
18 by mail ballot. Senator Fraser, does your bill apply to
19 folks voting by mail ballot or just people show up -- I
20 wasn't here when you laid out the substitute.

21 SENATOR FRASER: I'm asking the same
22 question to clarify is that --

23 SENATOR ELLIS: By setting up a dual
24 system so you'd have to have a ID to vote in person, but
25 if you didn't have to have it if you were voting by



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1 mail. Is that the same thing?

2 SENATOR FRASER: Same.

3 SENATOR ELLIS: Okay. So that means for
4 the older AARP members who would vote by mail, they
5 would not have to have ID, but if they show up to vote,
6 get a little exercise, have somebody to take them.
7 There's never been a case in which anybody's been
8 prosecuted by not being who they said they were. So
9 this would also have, I guess, an unintended effect of
10 your members not having friends who would take those of
11 us over 50 who can't -- who in AARP can't get vote,
12 can't get to a polling place on our own. Nobody would
13 take them because they'd say stay in the house, figure
14 out how to get somebody to do a mail ballot for you.

15 MS. McCLUSKEY: It certainly would
16 encourage those to do the mailing ballot.

17 SENATOR ELLIS: Do you happen to know of
18 other things that some of your members can do when they
19 don't have to have an ID? I know the example came up
20 sometime ago, a couple of my colleagues said to me you
21 have to have a ID to rent a video. Then they found out
22 you don't. Some people have used that voter's
23 registration card to get the video, and I'm sure if you
24 walk in there to a video store and look like Osama Bin
25 Laden, maybe they won't give it to you. But, you know,



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1 if you go in there threatening somebody with a gun, you
2 may not get it, but can you give examples of other
3 things members can do -- Like Meals on Wheels, do you
4 have to show your ID to participate in Meals on Wheels?

5 MS. McCLUSKEY: For those programs you do
6 not, beyond your initial eligibility screening, and I
7 don't know that eligibility for those programs actually
8 requires you to produce that documentation.

9 I think that the thing to keep in mind
10 with a lot of our folks is we're talking about older
11 more frail folks who spend a lot of time in their homes.
12 They don't really even rent movies in a lot of cases.
13 These are people who don't get on planes, who don't --
14 if they travel, they tend to travel sometimes on bus
15 trips. We're talking about really, really modest and
16 middle income folks who are not jet setting around the
17 world or around the country, but who are good tax paying
18 voting citizens and who want to continue to participate
19 in that process.

20 SENATOR ELLIS: And so they get on these
21 buses. You know, when my mother was alive, they could
22 even go to -- to Louisiana to sing in a choir and
23 gamble, and as long as they have that money, they can go
24 in. There's no question that they are at the right age
25 and they can walk into the casino --



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1 MS. McCLUSKEY: That's right.

2 SENATOR ELLIS: -- and participate. I
3 think it will be helpful for the committee if AARP were
4 to give us just a list of things that elderly people can
5 do. You know, all of us on this committee are over 50.
6 I'm not sure about the chair.

7 CHAIRMAN DUNCAN: I'd be happy to see
8 that, but I'd also think it would be helpful to have a
9 side by side list of things that they cannot do without
10 an ID.

11 SENATOR ELLIS: I think it will be
12 helpful, and it would be helpful to see the instances in
13 which each of those categories there have been
14 prosecutions because somebody was not who they said they
15 were. Now, obviously, you have to have an ID when you
16 go cash a check, and I'm sure there are instances where
17 people have been prosecuted. Even someone -- Maybe even
18 a AARP members who cash a check, and it was not that
19 check, but it would be good to see where it has been an
20 issue.

21 MS. McCLUSKEY: And I would point out on
22 your check example, if you get a preferred card at a
23 grocery store, once you get that preferred card, you
24 often don't have to produce a driver's license because
25 you've already proved who you are to them when you cash



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1 that check.

2 SENATOR ELLIS: At my grocery store, I
3 mean -- I don't know if I paid my dues to AARP. I'm 53.
4 But I go in and I want to get my discount at Kroger,
5 Randall's or whatever it is, I just plug in my little
6 number and they don't check and see if that's me or not,
7 but I get my -- I get my discount, but those are casual
8 things.

9 MS. McCLUSKEY: We'd be happy to take a
10 stab at putting some kind of a list like that together.

11 SENATOR ELLIS: Just a breakdown of your
12 AARP members, if you know, in Texas. If you don't --

13 MS. McCLUSKEY: You know, I can -- I can
14 tell you that we are predominantly Caucasian. We do
15 have a significant African-American membership, a
16 significant Hispanic membership, but we are certainly
17 majority Caucasian.

18 SENATOR ELLIS: And the point that I'm
19 trying to make by raising the question, obviously, is
20 clear that we think about suppression that this will
21 have with African-Americans and Hispanics, but,
22 obviously, age knows no color, no ethnicity, and with
23 your organization, most of them are Anglos, the elderly
24 people who have served our state well and paid their
25 taxes and still want to participate in the process. And



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1 this will have a chilling impact upon their ability to
2 vote. And a lot of them older people want to -- think
3 it's sort of a rare passage, when they could still --
4 they can't get out of their home to do anything else.
5 If they can, they want to get out of their home to go
6 vote. It's like religion with them to be able to go
7 exercise that right. Thank you.

8 SENATOR VAN DE PUTTE: Chairman?

9 CHAIRMAN DUNCAN: Senator Van De Putte.

10 SENATOR VAN DE PUTTE: Thank you. Thank
11 you very much. I know that I'm extremely concerned
12 about particularly what happens to your constituency at
13 AARP, but the majority of them are women. And if you
14 look at the committee substitute on Page 6, and I think
15 the same line, which is in the House, says an agency --
16 if you don't have -- you've got to have your voter ID
17 and a photo identification, and if you don't, you've got
18 to have two other forms, and it says that you could use
19 some sort of a document as issued by an agency,
20 institution or a political subdivision of the state.

21 And I'm thinking about my grandma because
22 like many women in that age, they never learned how to
23 drive. Two-car families just were not the case, and her
24 husband had the car and she was a homemaker, never
25 worked outside the home. Her job was taking care of her



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1 family and her children and then her grandchildren. She
2 never learned how to drive, but her children and
3 grandchildren would take her where she needed to go, but
4 she lived in the neighborhood that a lot of them were
5 walking, but in her later years, she wanted to maintain
6 some independence, and she got a bus card, and the bus
7 card -- I don't know, Mr. Chairman, that would be
8 helpful if you could figure out if that is one of the
9 IDs that you could use because, first, you have a
10 little -- they have a little piece of paper that says,
11 you know -- you just write your name on this, and she
12 was a -- she got a discount from the transit company for
13 being a senior. But then in later years they had the
14 effort where they did take a picture. They would
15 have -- maybe go to the senior centers and that would be
16 one of the documents.

17 But I'm extremely concerned, particularly
18 for women, and women who were homemakers all their
19 lives, who did not work outside the home, who did not
20 drive, and although my mother used to drive, she no
21 longer, and so many of them didn't. But if you could
22 help us by figuring out exactly who we're talking to
23 about here because I understand the majority of the
24 seniors that would be affected are actually, I think,
25 women and elderly women -- and elderly Caucasian women



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1 more than anything else.

2 So I'm extremely concerned about that, but
3 that would be helpful to us to know what sort of things
4 were we're talking about. Certainly, I know that my
5 grandma never had a hunting license, and she never --
6 her birth certificate -- she didn't have a birth
7 certificate. She was born at a ranch home, and so they
8 had church records of their baptisms, and that was how
9 they kept records back then. But this says -- according
10 to this, it is a birth certificate that's issued by a
11 county or a city or a state, and to my knowledge, I see
12 my grandma's birth certificate, there is none. It's a
13 baptismal certificate because back in those times the
14 churches held the records. She didn't --

15 MS. McCLUSKEY: I have the same situation
16 with my --

17 SENATOR VAN DE PUTTE: How does that work?

18 MS. McCLUSKEY: -- own father who has a
19 similar situation, and we don't actually have an
20 official birth certificate, and so for those kinds of
21 individuals, it's a real challenge here, and it's -- and
22 it's posing challenges in other places, and places in
23 society who may not be able to produce those documents,
24 but we would be happy to go ahead and try and get a
25 little bit -- save some of those kinds of documents that



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1 people particularly possessed. We think of -- You know,
2 I think your baptismal certificate is a good example,
3 but that don't necessarily fit into the criteria here
4 and are substituted sometimes --

5 SENATOR VAN DE PUTTE: Again, her marriage
6 certificate I think it was filed somewhere, but what we
7 have is a church copy. Thank you.

8 SENATOR FRASER: Just for the record, I
9 think there was a question asked a while ago in our
10 report with regard to mail in ballots, and I'll just
11 read from you -- read to you from our committee report
12 that we had in the interim. This is as within person
13 voting between -- between January 1st and 2000 --
14 January 1st, 2004, January 1st, 2006, if vote by mail --
15 if the requesting voter registered to vote by in their
16 application was for the first election following
17 registration, they must include a copy of appropriate
18 identification with their ballot when it is returned to
19 the clerk, and that's section -- that's Texas Election
20 Code Section 1805(a)(4). That is a HAVA requirement.
21 That expired on January 1st, 2006, but we're continuing
22 it in accordance with HAVA, and legislation I think is
23 already moving through the --

24 CHAIRMAN DUNCAN: Could you repeat that?

25 SENATOR FRASER: Paraphrasing that if



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1 you're voting for the first time by mail, you have to
2 include with your ballot a -- an ID, identification. I
3 think there was a question about that a while ago. So
4 we already -- we do require -- we're not running -- we
5 are running a dual system now because we're requiring on
6 mail in ballots --

7 CHAIRMAN DUNCAN: Which is current law.

8 SENATOR FRASER: Which is current law,
9 but --

10 SENATOR ELLIS: First time, right, you
11 have to send in your ID, but if you are a (inaudible)
12 ballot by mail, you don't, so the first time you send it
13 in.

14 SENATOR FRASER: Right. First time --

15 CHAIRMAN DUNCAN: And I don't believe
16 we're attempting to change that old mail in ballot --

17 SENATOR FRASER: No. Well -- Well,
18 that -- that sunset -- that basically sunset in the
19 HAVA -- in our HAVA law, and we are reinstating it in --
20 in Senate Bill 1647.

21 SENATOR ELLIS: What does that mean? The
22 new bill that is passing, it will apply to every mail in
23 ballot the first time only --

24 SENATOR FRASER: Right.

25 SENATOR ELLIS: -- or are we looking to



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1 see if you voted --

2 SENATOR FRASER: We're not changing that
3 concept. We're just extending it.

4 SENATOR ELLIS: So it still is dual
5 because under this interim, I didn't get the distinction
6 between the bill and the substitute, unless your bill is
7 saying the first time you go vote in person, you show
8 ID, but the next time you go, you don't show ID, it is a
9 dual system.

10 SENATOR FRASER: Well, not -- not -- not
11 necessarily it's dual as it is today.

12 SENATOR ELLIS: It's a little less dual.

13 SENATOR FRASER: It's a little less dual,
14 whatever that means.

15 SENATOR ELLIS: I see.

16 SENATOR FRASER: As the bill mentions.

17 SENATOR ELLIS: Yeah, I see.

18 SENATOR FRASER: A little less dual, a
19 little more dual, but it -- the -- at least from a
20 policy standpoint at least with regard to -- you know, I
21 wouldn't be concerned it will go any further than that,
22 but I think that's -- I want to clarify that -- there
23 was a question about that a while ago, and I wanted to
24 clarify what the state of the law was.

25 SENATOR ELLIS: If you want to make it



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1 consistent, I mean, that's problem -- in my mind, from
2 my background and things that I've seen that suppress
3 votes in Texas over years, you don't have a problem with
4 it period, but you could -- at least if you want to be
5 consistent, you could require them to do it every time
6 they send in a mail in ballot or say that somebody shows
7 an ID the first time, they go vote in person, then they
8 don't have to show it again.

9 CHAIRMAN DUNCAN: Well, that would be get
10 you to vote?

11 SENATOR ELLIS: No. It's a bad deal
12 period, but I'd like --

13 SENATOR FRASER: You wouldn't (inaudible)
14 would you?

15 SENATOR ELLIS: I'd have to see the impact
16 of it, but I'm just -- I'm making a point it is a dual
17 system. I mean, what's --

18 CHAIRMAN DUNCAN: (Inaudible) It is a dual
19 system today, and we're continuing that dual system.

20 SENATOR ELLIS: Okay. So my point is
21 under your bill, your bill will apply to people when
22 they go and vote. They're being required first time,
23 Houston, Texas, to show ID, but -- every time they vote,
24 but your bill will not require people who are voting by
25 mail to show ID every time they vote. That's the



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1 question, true? Okay. But that's not dual system to
2 you.

3 CHAIRMAN DUNCAN: All right. Members, any
4 questions? Senator Lucio?

5 SENATOR LUCIO: Thank you. First of all,
6 I'd like to apologize for being tardy. We were in
7 finance casting votes.

8 CHAIRMAN DUNCAN: Hope you cast one for
9 me.

10 SENATOR LUCIO: I cast everything with
11 your name on it. Thank you, Mr. Chairman. Senator, I
12 guess these are the witnesses for Chairman Fraser. Have
13 we taken into consideration the impact of legislation
14 it's going to have on poll workers in terms of how these
15 volunteers are going to know what types of ID documents
16 are acceptable or invalid?

17 SENATOR FRASER: The -- The bill requires
18 that there be a posting as you come in, and it would be
19 posted, so they would know what was available. It's no
20 different than it would be if you are cashing a check
21 and you have a photo ID. You have a list forms that are
22 available, and several things that they can offer up,
23 and, yes, it would be -- that would have as much.

24 SENATOR LUCIO: Yes, sir. I guess
25 Mr. Wallace, I'd ask you a question or two or anyone in



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